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ENGLISH LOCAL GOVERNMENT

FROM

THE REVOLUTION

TO

THE MUNICIPAL CORPORATIONS ACT

ENGLISH LOCAL GOVERNMENT FROM THE REVOLUTION TO THE MUNICIPAL CORPORATIONS ACT: THE MANOR AND THE BOROUGH.

BY SIDNEY AND BEATRICE WEBB. PART TWO.

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CHAPTER VIII

ADMINISTRATION BY CLOSE CORPORATIONS

In this and the two following chapters we propose to give a somewhat detailed account of the working constitution and administrative achievements of half a score of Municipal Corporations in different parts of England, so as to discover how far the efficiency and honesty of the government was connected with particular constitutional forms. We have thought it inadvisable to choose our type specimens on any system of proportional representation. The great bulk of the couple of hundred Municipal Corporations of 1689 exercised their jurisdictions over insignificant populations, in what were scarcely more than villages, whilst some of the most notorious among them were already at that date nothing but archaic survivals, kept alive only by their privilege of returning Members of Parliament. To the historian of Parliamentary representation, the latter are of interest. To the historian of Local Government they are irrelevant. What is important to our purpose is the living and growing urban centre, in which there were duties to be fulfilled and problems to be solved. We have not omitted to represent among our types the small towns, which are exemplified by the little port of Penzance in Cornwall, and the little market of Morpeth in Northumberland. But we have taken most of our examples from the great ports, such as Bristol and Liverpool; from the lesser ports and fishing havens, such as Ipswich and Berwick-on-Tweed; from the ancient industrial centres, such as Norwich and Coventry; and from inland towns destined to great manufacturing development, such as Leeds and Leicester. And we have reserved for our most exhaustive treatment the greatest and most important of them all, the Corporation of the City of London, which, from historical, political, and economic standpoints alike, sums up and exemplifies in itself all the factors that constituted the Municipal Corporation of the eighteenth century. We group our types in three chapters. In the present chapter we confine ourselves to half a dozen towns differing widely in geographical position, history, extent, population, wealth, trade, politics, religion, and connection with Parliament, but alike in being governed by Close Bodies: a constitution which the Municipal Corporation Commissioners of 1835 regarded as so typical of the whole Municipal Government of that date that they termed it, *par excellence*, "the Corporation System."

The Mayor, Aldermen, and Commonalty of the Borough of Penzance

We take, as our first illustration of the actual constitution and working of Municipal Corporations between 1689 and 1835, one of the simplest and least complicated of them all—a Corporate body established by a comparatively modern Royal Charter, free from Manorial intervention, without Gilds or Freemen, but administering relatively large revenues and performing practically all the civic functions of its little community.[1]

The little group of twenty-one of the principal fishermen and traders who dwelt round the harbour of Penzance, almost at the extremity of the County of Cornwall, had been incorporated by a Charter of James the First in 1614 under the title of the Mayor, Aldermen, and Commonalty of the Borough of Penzance, which was then described as "an ancient vill and port." Lying "snug and warm" towards the sea, it was shut off by "a high hill all round the side to the landward,"[1] and its little community appears early to have won a position of complete independence from the Lord of the Manor of Alverton and the officers of the extensive parish of Madron. Within a year of its first incorporation, the Borough, which was defined to extend to a radius of half a mile from the ancient cross, and covered 438 acres, had purchased the Lord's remaining rights over the pier, market, and the waste land; and had, as we gather, practically put an end to any Manorial jurisdiction in the town. In 1663 the Borough was made a "Coinage Town," or place where tin was "coined"—that is, stamped as having paid duty—a mark of Royal favour which tended to render it one of the principal ports of shipment of what was then the most important product of the county.[2]

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[1] MS. Minutes, Corporation of Penzance, 1617-1834 (with gaps); MS. Vestry Minutes, 1816-1822; "Journal of the Mayor of Penzance, 1816-17," in *Collectanea Cornubiensis*, by G. C. Boase, 1890; First Report of Municipal Corporation Commission, 1835, vol. i. p. 570; "A Statistical Account of the Borough of Penzance," by Richard Edmonds, in *Journal of the Royal Statistical Society*, July 1839, vol. ii. pp. 198-233; *A Guide to Penzance*, by J. S. Courtney. 1845 (containing extracts from the Corporation accounts, 1658-1760); *Report to the General Board of Health on . . . Penzance*, by G. T. Clark, 1849; *Half a Century of Penzance*, by J. S. Courtney, 1878; *Penzance Past and Present*, by G. B. Millett, 1880.

In 1689 we find practically the whole government of this flourishing little port, of which the population may probably then have been two or three thousand, in the hands of its Municipal Corporation, which owned the pier and the market, appointed all the officers, and was responsible not only for the gaol, the Watch, and the water supply, but also for paving and cleansing the streets, doing whatever maintenance of the highways was required, and even paying the expenses of worship and preaching in the chapel.[3] But the whole administrative authority was exercised by an even smaller number of persons than the twenty-one members of the Corporation. The government was in the hands of the Mayor for the time being and the eight other Aldermen, the twelve Assistants—known, apparently, as "Little Aldermen"[4]—being summoned only at the annual election of Mayor, and whenever a vacancy in their own number had to be filled by co-option. The Corporation levied no rate, deriving its very substantial income partly from the ownership of a few houses in the town, but chiefly from the rents paid by the contractors to whom it periodically leased the pier and quay dues and the market tolls. At a period when Cornwall possessed few roads for wheeled traffic, and hardly any wheeled vehicles, a town as remote as Penzance had to provide for itself whatever judicial tribunals were necessary; and perhaps the most important of the powers and duties of the Municipal Corporation were connected with its local Courts. There was a Recorder, serving for life, but he was invariably an absentee, a peer or other magnate. The judicial work devolved on the Mayor and the ex-Mayor (or "Justice"), advised by the local attorney who held the office of Town Clerk—the Mayor and ex-Mayor sitting weekly in Petty Sessions; themselves constituting also the regular Quarter Sessions; and the Mayor and Town Clerk together holding a fortnightly Court of Record for the trial of civil actions up to £50. The Corporation, recruiting itself by co-option, apparently included at all times the leading professional and commercial citizens, who practically took it in turns to perform all the public business of the little community. It was, in fact, a self-perpetuating device for ensuring to the Borough, in uninterrupted succession, the necessary group of governing personages, and placing their authority beyond dispute.

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[1] *Through England on a Side-Saddle. . . . Diary of Celia Fiennes,* edited by the Hon. Mrs. Griffiths, 1888, p. 223.

[2] *A Guide to Penzance,* by J. S. Courtney, 1845, p. 16.

[3] It had become a distinct "chapelry" of the Parish of Madron, having its own Overseers and Poor Rate (*Report to the General Board of Health on . . . Penzance,* by G. T. Clark, 1849, p. 5).

[4] In 1824 pews were reserved in the church not only for the Aldermen, but also for the "Little Aldermen" (*Penzance Past and Present,* by G. B. Millett, 1880, p. 17).

The scanty records of the Borough do not enable us to give any detailed account of the Corporate administration during the eighteenth century. We see the town going on year after year with the minimum of change, growing slowly in trade and revenue.[1] After various ineffectual repairs, the pier was rebuilt in 1745 at an expense of £924.[2] A grammar school was built and a schoolmaster appointed. A permanent curate was obtained for the chapel and paid a regular salary. We read, in the accounts, of "the Town Pavior," who kept the pavements in repair, the Corporation even (at a cost of two guineas) obtaining in 1718 "advice in London about paving the streets."[3] We see the town in 1744 buying a fire-engine and twelve leather buckets; and occasionally paying for a special sweeping of the streets when they are expecting the Bishop, or some other distinguished visitor to the town. For the most part, however, the Borough jogged along in its seclusion with the minimum of history.

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[1] *A Guide to Penzance*, by J. S. Courtney, 1845, p. 16.

[2] Defoe described it about 1724 as "a market town of good business, well-built and populous; has a good trade, and a great many ships belonging to it" (*Tour through the Whole Island of Great Britain*, by D. Defoe, vol. i. p. 410 of 1748 edition).

[3] MS. Accounts, Corporation of Penzance, 1718.

After the peace of 1763 Penzance entered on a long period of prosperity and expansion, the shipping trade steadily increasing, and the Corporate revenue[1] from dues and tolls doubling and quadrupling. To accommodate the expanding trade, extensive improvements were undertaken at the pier in 1764, the Corporation incurring a debt of several thousand pounds, and mortgaging all its revenues for the annual interest and repayments. The early years of the nineteenth century, with a revenue from tolls and dues that was rapidly expanding, saw the adoption of even more ambitious schemes of public improvement. The pier is once more extended, and obstructive rocks are blasted away at a total cost of £4000 so as to improve the harbour accommodation.[2] A special meeting of the inhabitants induces the Mayor to employ "two or more Scavengers constantly and properly to sweep and cleanse the streets."[3] The water supply is reorganised, a new reservoir being constructed, and iron pumps and pipes provided.[4] The cattle market is improved. Lamp-posts are erected and the streets regularly lighted.[5] The grammar school is reorganised and a new master appointed.[6] A new fire-engine is obtained.

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[1] The revenue from pier and quay dues and market tolls about doubled in the first century and a half, and then increased eightfold in half the time. From 1631 to 1694 the pier and quay yielded usually between £20 and £40 a year and the market between £40 and £80 a year. From 1694 to 1750, the pier and quay produced between £40 and £110, and the market between £50 and £120 a year. After the middle of the eighteenth century there was a large increase; viz. from pier and quay, £108 (1760), £142 (1765), £262 (1782), £270 (1790), £325 (1800), £461 (1804), £651 (1810), £1100 (1814), £1110 (1819), £980 (1820), £951 (1824), £1129 (1830), £1551 (1834), £1675 (1837), £2112 (1839), £1830 (1844); from market, £115 (1760), £134 (1765), £208 (1782), £220 (1790), £305 (1800), £301 (1804), £458 (1810), £461 (1816), £492 (1819), £536 (1820), £551 (1830), £482 (1834), £486 (1837), £678 (1838), £850 (1840), £830 (1844) ("A Statistical Account of the Borough of Penzance," in *Journal of the Royal Statistical Society*, January 1839; *A Guide to Penzance*, by J. S. Courtney, 1845, p. 72).

[2] MS. Minutes, Corporation of Penzance, 24th November 1809; 19th January and 19th December 1810.

[3] *Ibid.* 17th October 1810.

[4] *Ibid.* 17th October 1811.

[5] *Ibid.* 22nd October and 28th November 1810.

[6] *Ibid.* 3rd and 10th July and 14th October 1811.

An additional burial ground is purchased, to defray the cost of which the inhabitants in Vestry assembled agree to levy a "chapel-rate."[1] A new "Coinage Hall" is built, for the convenience of the extensive trade in tin.[2] The work of the Mayor becomes more onerous than ever, and his allowance "for the support of his table according to the ancient usages of this Corporation" is increased from £40 to £100 per annum.[3]

At this stage in the Borough history we are fortunately able to supplement the official records by a detailed account of the work of the Mayor. The citizen who filled the office for the year 1816-1817 was good enough to keep an elaborate diary of his daily duties, which gives us a vivid picture of the current administration of the little community.[4] This unstudied record reveals to us the Mayor as the one authority of the town, uniting in his person practically all executive power. The Constables and Overseers, the Surveyor of Highways and the Serjeants at Mace—all owing appointment to himself or his predecessor—come to him for advice before taking action in their own departments. Everything in the way of public business is done practically on his order, with the result that his official duties take up a large part of every day. He devotes every Friday morning to his public sitting at the Town Hall, settling cases of petty police, hearing Poor Rate appeals, and signing innumerable parish papers. Both in Petty and Quarter Sessions, and at the Court of Record, we see his paternal feeling leading him to dissuade complainants from litigation, to compromise disputes, and generally to settle matters out of court. Every day he has to intervene in the Poor Law administration, deciding what to do with vagrants, apprenticing children, ordering removals. To the Town Hall come all sorts and conditions of men, mechanics out of work, women deserted by their husbands, families actually destitute on an emergency, usually to be referred to the Overseer or to the Vestry, with or without recommendation. When distress becomes acute, we see him attending the evening meeting of the Vestry to suggest the purchase of a stock of potatoes to enable relief to be given in kind, and eventually also the institution of relief works, "erecting a bulwark against the Western Green," on which are put the destitute labourers. The licensing of the public-houses takes up much of his attention. When applied to for transfers throughout the year, he is evidently strict in his requirements, repeatedly refusing his sanction. On 2nd September he is "sitting at Gildhall for the renewal of ale licences. Suspended those of H. S. and D. for irregularities, and last for non-payment of [Poor] Rates. After long delay, and at the end of the business, signed them on promise of more discretion, etc., the Overseers having declared themselves satisfied with D.'s assurance that he would pay. Talked much to several others, and to all in general, of the necessity of preventing labouring men from tippling while their families are suffering want." At last all the former licences were renewed to the same parties, but all the new applications "were refused." The daily management of the quay and the market, together with the police, scavenging and lighting of the town, gives him as much to do as his magisterial office. He spends a whole morning at the quay, seeing to the erection of the new capstan, and listening to complaints about the lights. Another day he visits the market, with Serjeant at Mace and Constables, in order personally to enforce the new "regulations of standing, and the new toll of a penny per basket on butter and salted fish," —laconically reporting that he "succeeded in part." A week later he is again in the market place, recording "market pretty peaceable, butter women reconciled to the new hall,[1] weather being bad. In the evening," he notes, "let the quay and market for the year ensuing," congratulating himself on having got £150 more rent than the previous Mayor. Similarly, it is he who makes the contract for lighting the street lamps, and decides how many there are to be, and which nights they are to be lit. But when a question arises of capital expenditure, or any departure in policy, we find him sending out "precepts" for a meeting of the Corporation, whose decisions are briefly noted in his diary. "Held a meeting of the Corporation, who resolved to erect a capstan on the pier if it can be done for £25, a light if for £10, and to pave 50 feet in length with moor stones; also agreed to tax butter and salt fish one penny per basket." The morning after a great storm his journal notes, "surveying the quay, and found a great breach, in consequence of which sent out a precept for a meeting of the Corporation to-morrow evening to consider what is necessary to be done. Paid for lock of magazine door burst by sea three shillings." But besides these regular duties of his office as Justice and head of the Corporation, we watch the Mayor, as chief potentate of the little community, transacting all manner of miscellaneous business and listening to every citizen with a grievance. Thus, he is puzzled by "complaints of the corn market that millers, etc., were buying up before the public were supplied." He inquires of the Town Clerk what is the law. Some months later, he determines, in spite of the protests of the trade, to set and enforce the Assize of Bread, "at least by way of experiment and to quiet the public mind." Another time we see him acting on behalf of the Royal Mint in replacing the worn silver coin. This "exchange of the old silver," he notes, "so occupied every day and every hour that it was with difficulty that I found leisure to execute the urgent business of the town daily occurring."

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[1] MS. Minutes, Corporation of Penzance, 5th July 1815 and 8th May 1816.

[2] *Ibid.* 8th March 1816.

[3] *Ibid.* 27th September 1808.

[4] "Journal of the Mayor of Penzance, 1816-17," in *Collectanea Cornubiensis*, by G. C. Boase, 1890.

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[1] Apparently the fish-women never got reconciled to the new market hall, being found, in 1849, still in the open street, and declining to use the building (*General Report to the Board of Health on . . . Penzance*, by G. T. Clark, 1849).

But the Mayor and Corporation, though supreme in matters of current administration, failed to carry with them the bulk of the inhabitants in more onerous projects. The Corporation resolved in 1816 to obtain a Local Act, authorising not only an increase in the pier dues but also a rate upon the house owners and occupiers, for the purpose of "paving, lighting, cleansing, watching and improving the . . . town."[1] At this point the citizens revolted. When the Mayor summoned a public meeting to consider the proposal—as he notes in his diary, "a noisy throng"—it was argued that the Town was already quite sufficiently well paved, lighted and watched, and "that the way in which the water was . . . conveyed through the streets—on the surface, by means of moor-stone gutters—more speedily and effectually removed the filth of the town and contributed to its salubrity than any other means of conveying it which could be suggested."[1] At a second meeting, so great is the popular objection to a Municipal rate, hitherto unknown in Penzance, that the Mayor has to confess that the inhabitants are "a hundred to one against the application."[2] He has equal difficulty in persuading the traders of the necessity for a readjustment of the ancient pier dues. The Corporation would have liked to have raised a larger revenue, but the Mayor has to talk over the "oppositionists" before the Bill is allowed to proceed. His negotiations are at last so far successful that he is able to inform the Corporation attorney in London that "they now grant the principle of the Bill that an increase is proper, and only differ as to quantum."[3] Eventually this Bill gets through in an attenuated form.[4] For the street improvements the Mayor has recourse to another device. We see him presently appealing to the more substantial citizens at Quarter Sessions. "Having," he notes in his diary, "in the charge to the Grand Jury called their attention to the highways and pavement, to the want of a fire-engine, to provision for lighting and cleansing, and to a more efficient police, they presented a request that the Surveyors of the Highways be required to execute the necessary works and levy the requisite rate."[5] The other improvements had necessarily to be postponed until the ratepayers were in a more generous state of mind.

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[1] MS. Minutes, Corporation of Penzance, 11th September 1816.

The failure of the attempt of the Corporation to obtain new sources of revenue compelled them presently to economise. In 1821 they find themselves, at a temporary check in the growth of the receipts from tolls and dues, outrunning the constable to the extent of "£200 or upwards" each year, getting deeper and deeper into debt, and a drastic reduction of expenditure is decided on.[1] The allowances hitherto made to the Grand Jury are cut off. The Organist at the chapel has to forgo his salary of ten guineas, being given, instead, the right to let two seats that belong to the Corporation.[2] The street lamps are no longer lit at the public expense, any inhabitant being allowed to provide the necessary oil and service if he chooses.[3] Even the allowance of £100 a year to the Mayor is discontinued,[4] all the service of the Town being thenceforth performed gratuitously. A Finance Committee is appointed annually, which scrutinises carefully every item of expenditure. The result is that when in 1833 the Municipal Corporation Commissioners visit Penzance, then a flourishing town of nearly eight thousand inhabitants, they find an absolutely pure and public-spirited administration against which they have practically no other criticism to level but that its zeal for the improvement of the town outruns that of the inhabitants at large.

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[1] *Cornwall Gazette*, 9th November 1816.

[2] "Journal of the Mayor of Penzance, 1816-17," in *Collectanea Cornubiensis*, by G. C. Boase, 1890.

[3] *Ibid.*

[4] 57 George III. c. 31 (1817). An amending Act was obtained in 1840 (3 Vict. c. 72).

[5] Another attempt to get a Local Act in 1832 met with no better success. It is characteristic of the bias of the Municipal Corporation Commissioners that, finding nothing else to criticise at Penzance, they adduced this constant objection of the humbler classes of that time to projects of town improvement as evidence that "the Corporation of Penzance and the inhabitants at large are not upon good terms" (First Report of the Municipal Corporation Commission, 1835, vol. i. p. 575).

The Mayor, Aldermen, and Burgesses of Leeds

We turn, for our second type-specimen of Municipal administration, to a populous centre of industry,[5] where the Municipal Corporation possessed practically no property, and exercised little else than the common authority of a Bench of Magistrates. On the other hand, like Penzance, its governing body was "self-elect"; it had no Freemen; and it returned no Member of Parliament.

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[1] MS. Minutes, Corporation of Penzance, 12th March 1821.

[2] *Ibid.* 12th March 1821.

[3] *Ibid.* 12th March and 3rd September 1821.

[4] *Ibid.* 12th March 1821.

[5] For our study of the Leeds Municipality we have found most useful the full and well-kept MS. Minutes, dating from the middle of the seventeenth century, which the Town Council ought to publish; together with those of the Street Commissioners and the Vestry. We have also gained something from the MS. Domestic State Papers in the Public Record Office (especially 1709-29); and much for the later period from the files of the *Leeds Intelligencer*, *Leeds Mercury*, and *Leeds Times*, as well as from the First Report of the Municipal Corporation Commission, 1835, vol. iii. pp. 1615-1624. Among books we may cite *Ducatus Leodiensis*, by Ralph Thoresby (1st edition, 1715; 2nd edition, 1816); *Leeds Guide*, 1808; *Loidis and Elmete*, by T. D. Whitaker, 1816; *Copies of all the Acts of Parliament for the Town and Borough of Leeds*, 1822; *Diary of Ralph Thoresby*, by Rev. J. Hunter, 1830; *Civil . . . History of Leeds*, by E. Parsons, 1834; *Municipal History of the Borough of Leeds*, by J. Wardell (1st edition, 1836; 2nd edition, 1846); *Old Leeds, its Bygones and Celebrities*, by an Old Leeds Cropper, 1868; *Ralph Thoresby the Topographer*, by D. H. Atkinson, 1885; together with the Yorkshire histories of Allen, Baines, Cartwright, and William Smith; the Report of the Leeds Board of Health, 1833; the Abstract of the Report of the Statistical Committee of the Town Council, 1841; and the parochial authorities cited at p. 96 of *The Parish and the County*.

The widely extended Borough of Leeds, in the West Riding of Yorkshire—conterminous with the ancient parish which comprised an area of 32 square miles—had been incorporated by Charters of Charles I. and Charles II.,[1] and rapidly became the principal centre of the north of England woollen industry. In 1689 it was still, as Leland had described it in 1536, "a pretty market town, standing by clothing"; with a population that we may estimate at about 10,000, partly concentrated in the streets that had grown up round the ancient bridge over the Aire, partly dispersed in farmsteads and hamlets over its 32 square miles of cornfields and meadows.[2]

The Municipal Corporation of Leeds did not, under its governing Charter of 1661, differ essentially in constitutional type from that of Penzance, though it had twelve Aldermen who all shared with the Mayor the duties of Justice of the Peace, and twenty-four Assistants, from whom the Aldermen were chosen. As in Penzance, the members of the Corporation recruited themselves by co-option from the leading Church of England families in the town, giving a preference to friends and relations of the existing members. But the Leeds Corporation had neither harbour nor market to manage, and it possessed neither houses nor land. Moreover, unlike Penzance, Leeds early obtained Local Acts relieving the Corporation, as such, from any responsibility for paving or cleansing the streets, or the management of the water supply. On the other hand, Leeds was, from the outset, a much more populous town than Penzance; and it grew steadily throughout the eighteenth century. Thus it is that, in spite of the comparatively small number of functions discharged by the Corporation as such, we have no doubt, from our study of the Minutes of the Corporation, the Commissioners and the Vestry, and from contemporary newspapers and pamphlets, that, down to 1818 at any rate, a diary of the Mayor of Leeds would have given us much the same vision of his daily work as that of his worship of Penzance. We see him sitting twice a week at Petty Sessions, accompanied by one or two Aldermen. He presides at the important licensing Sessions, when the numerous liquor shops of the town are dealt with, free from even a suspicion of "partiality or preference." He commands the little police force which the Corporation appoints. He sits with the Recorder at Quarter Sessions. With his brother Aldermen, he manages the prison; appoints the gaoler; and formally approves as magistrate the occasional rate for the maintenance of the courthouse and the little force of Night Watchmen. As at Penzance, it is the Mayor who is found also taking the chief executive part in all the public business of the town. We see him attending the Vestry, presiding over the meetings of the Commissioners, appointing the Overseers and Surveyors of Highways, and issuing any urgently needful orders. He sets the Assize of Bread, either twice a year, or, after 1785, even once a week. Like the Mayor of Penzance, he did not refrain from enforcing such orders by his personal visits. In 1777, as we read, "the Worshipful the Mayor of this Borough, attended by the Clerk of the market and other officers of the Corporation, went to the several bakers and hucksters of bread within this Township, seized a large quantity of bread, of several denominations, deficient in weight, and distributed the same amongst the poor."[1] Down to 1764, indeed, it was the Mayor himself who paid the salaries of the Recorder, the Town Clerk, and all the other officers, and defrayed all the charges on the Corporation; receiving for this purpose all the fines and other receipts at the Borough Petty and Quarter Sessions and "all the clear profits of the Bailiwick of the Manor of Leeds heretofore purchased by the Corporation." After 1764, however, proper accounts were kept, the Mayor was relieved of both expenditure and revenue, and was merely allowed a sum of £5 a year towards his personal expenses.[2]

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[1] A seignorial Charter of 1207, apparently not unlike those granted to Manchester, Salford, Stockport, and Sheffield, seems to have failed to establish anything that could maintain itself as a Borough (*Loidis and Elmete*, by T. D. Whitaker, 1816, p. 7).

[2] For the hearth tax in 1663, Leeds returned 1431 households, with 2845 hearths or stoves. In the Chancery suit of 1615 about the advowson, it was stated, probably with great exaggeration, that between three and four thousand went to church, and there were 5000 communicants.

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[1] *Leeds Intelligencer*, 25th November 1777.

[2] MS. Minutes, Leeds Corporation, 29th September 1764.

We need not follow the Corporation of Leeds through the details of its eighteenth-century history. From 1689 right down to 1835 there was no change of any importance in its constitution. We must, however, note, as illustrating the extent to which the Gild had become out of date, the prompt failure of the attempts made between 1662 and 1720 to establish a class of Freemen and to cultivate in the town a system of Trade Companies. The Charter of 1661 had expressly provided for the summoning of a "Common Assembly" of forty leading cloth-workers, to consider By-laws for the regulation of the industry, which the Corporation was to promulgate and enforce. Moreover, in 1662, the Corporation formally authorised the establishment of Companies in eighteen different trades. Some at least of these Companies were duly formed, but no record of their activity has come down to us. We see the Corporation spasmodically trying, between 1670 and 1734, to induce new-comers to come forward and be sworn in as Freemen of the Borough, charging them from one to fifteen pounds for the privilege. We even discover the Corporation, on one occasion at least, peremptorily ordering two or three score of apprentices, belonging to about twenty different trades, to be summoned before them and compelled to take up their Freedom. But by the beginning of the eighteenth century it had become clear that no such mediæval organisation could be made to live in Leeds. The Companies lingered only as convivial societies, which seem presently to have ceased to exist. Only sixty-one persons had taken up the freedom of the Borough in three-quarters of a century. The apprentices who had been summoned to become Freemen evidently ignored the summons. After a final effort in 1720, when the Corporation ordered a special assembly to be called, including the forty leading clothiers referred to in the Charter of 1661, we gather that all attempts at trade regulation by any sort of Gild or Company system was finally abandoned.[1] When Parliament in its wisdom submitted the Narrow Cloth manufacture to new statutory regulation it was to the Justices of the West Riding in Quarter Sessions assembled, and not to any Municipal Corporation or Trade Gild, that the administration of the law was entrusted.[1]

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[1] The history of the Freemen and of the Companies of Leeds deserves further investigation; see MS. Minutes of the Corporation, especially 1662, 24th May 1707, 7th May 1720; *Municipal History of Leeds*, by James Wardell, 1846, pp. 34, 65-66, 70-71, Appendix, pp. cxc-cxci; *Ralph Thoresby the Topographer*, by D. H. Atkinson, 1885, vol. i. p. 346.

Equally unsuccessful was the attempt to maintain in Leeds anything in the nature of mediæval pomp and ceremony. During the seventeenth century, and even at the beginning of the eighteenth, the Leeds Corporation had its processions and public celebrations; the Mayor wore scarlet; the Aldermen and Common Councillors could appear in their gowns; the Corporation acquired a mace, and began to accumulate plate out of the gifts and entrance fees from its own members, which formed, from first to last, apart from fines, its only source of revenue. In 1713, indeed, in celebration of the Peace of Utrecht, we read of quite an imposing procession and public ceremonial. "The cavalcade began . . . from the Mayor's; after the Constables on foot the Mayor's younger son carried a silk streamer with the Queen's cypher and crown, with 'Peace 1713'; then followed the scholars and other gentlemen's sons on horseback, which were followed by the Common Councilmen in their black gowns; then the Aldermen in theirs, two by two, from the junior to the eldest; then the Town Clerk with the proclamation which was made at five places . . . then the two Serjeants at Mace in their black gowns, bearing the old silver mace and the new great gilt one; then the Mayor in his scarlet gown, who was attended by the clergy, gentlemen, merchants, and a numerous train of townsmen; after which a great feast."[2] By the middle of the century, however, all this pomp had been laid aside; and we gather that the mace and plate of the Corporation, like the gowns of its members, were reserved for its private meetings.

For all its dignity and magisterial authority, the Corporation of Leeds was, in fact, letting slip its Corporate power over the Municipal administration. The Mayor, Recorder, Town Clerk, Aldermen and Assistants, who were the only effective members of the Corporation,[1] never felt themselves warranted in levying a rate upon the busy manufacturing population which they were nominally governing. They had no such means of raising a Corporate revenue as were afforded at Penzance by the pier and the market. Whenever any expensive public service came to be demanded, the Corporation united with the citizens in seeking an Act of Parliament; and it seems to have been taken for granted, in the manner habitual in the eighteenth century,[2] that each such service should have its own special body of Commissioners or Trustees. In this way, although the Mayor and Aldermen always found themselves members of the new "ad hoc" bodies, the greater part of the administrative services of the rapidly growing town passed out of the hands of the Corporation itself. This process went on rapidly after 1750. The latter half of the eighteenth century saw the establishment of such Statutory Authorities (to be described in the following volume) for paving, cleansing, lighting and watching the streets; for the maintenance of the principal roads; for the upkeep of the bridge; for the provision of a new supply of water; and for the execution of public improvements.[3] The work of the Corporation as a whole came to be more and more confined to that of a Bench of Magistrates, and this was performed with exceptional zeal. We see the Mayor and Aldermen setting up a "Rotation Office," or, as we should now say, a Police Court, at which two of them by turns attended to deal with petty cases.[4] In 1777 they were specially vigilant in enforcing the laws as to weights and measures, convicting many hucksters for using short weights, and many wool-spinners for reeling false or short yarn.[5] In 1786-7 they are prompt in their adhesion to the movement for "Reformation of Manners," especially in the way of bringing the numerous ale-houses and dram-shops under regulation, reducing their number, stopping "profane swearing" in the streets, and punishing "loitering in the streets during Divine Service on the Lord's Day."[1] They suppress the obstructions of the footpaths caused by wheelbarrows, and by the fastening of horses across the thoroughfare. They insist on householders sweeping the streets in front of their houses.[2] In 1815 they frame By-laws for regulating the pedestrian traffic in the terribly thronged narrow streets of their town.[3] They compel the public-houses to close at ten o'clock.[4] Whilst Leeds was increasing in population by leaps and bounds—reaching 53,162 inhabitants in 1801, and no less than 123,393 in 1831—the Mayor and Aldermen were, in fact, striving indefatigably to cope with the ever-increasing work of the Magistracy; attending daily at the Rotation Office, meeting frequently in Licensing or Highway Sessions, struggling at Quarter Sessions with augmenting civil and criminal business, all without fee or reward.[5]

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[1] We find the Leeds Town Council in 1765 petitioning Parliament "against the reducing of the present standard in regard to the width and length of Broad Woollen Cloth" as "greatly injurious, if not ruinous, to the trade of this country" (MS. Minutes, Leeds Corporation, 8th April 1765).

[2] *Diary of Ralph Thoresby*, by Rev. Joseph Hunter, 1830, vol. ii. p. 189.

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[1] As in a modern Corporation under the Municipal Corporation Acts of 1835 and 1882, all the inhabitants of Leeds were, under the Charter of 1662, nominally Burgesses.

[2] See our subsequent volume on Statutory Authorities for Special Purposes.

[3] See the complicated array of Local Acts for which Leeds has, for a century and a half, been distinguished; beginning with 28 George II. c. 41 (1755); 33 George II. c. 54 (1760); 30 George III. c. 68 (1790); 49 George III. c. 122 (1809); 55 George III. c. 42 (1815); and 5 George IV. c. 124 (1824). Down to 1822 they are collected in *Copies of all the Acts of Parliament for the Town and Borough of Leeds*, 1822.

[4] Mentioned in *Leeds Intelligencer*, 27th May 1777.

[5] *Ibid.* 9th and 16th December 1777, 20th January 1778.

What is, however, specially characteristic of the members of the Municipal Corporation of Leeds is their retention, notwithstanding the gradual divorce of the Corporate body as such from the bulk of the Municipal administration, of a deep sense of personal obligation, and a very real feeling of responsibility, for all the public business of the community. It is characteristic that at one of the first meetings of the Corporation under its new Charter of 1662, it divided the Borough into six Wards for the care of the poor, for which it had, legally, no Corporate responsibility whatever, placing each Ward under one of the Aldermen, who was to be assisted by three "members of the Common Council" [or Assistants] as well as by the Parish Overseers.[6] At the request of the

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[1] *Leeds Intelligencer*, 25th April 1786; 25th December 1787; 27th April, 11th May, and 3rd August 1790; 23rd April and 18th June 1792.

[2] *Leeds Mercury*, 14th December 1815.

[3] *Ibid.* 2nd December 1815. All the By-laws were codified in 1823.

[4] *Ibid.* 1816.

[5] They seem even themselves to have paid for such dinners as the Corporation gave: at least, it was "ordered and agreed" in 1756 "that for the future no money be paid out of the Corporation Stock at any Treat" (MS. Minutes, Leeds Corporation, 9th September 1756).

[6] *Ibid.* 1662.

Churchwardens, the Corporation formally authorised them to levy an eightfold Church Rate for exceptional expenses.[1] In 1694 it contracted with Sorocold, the leading water engineer of the time, for a supply of water in pipes from the river, granting him the concession and exemption from Poor and Highway Rates, in consideration of a payment of £40.[2] Throughout the whole period we see the Corporation coming forward to take the lead in all public improvements; helping to promote Local Acts for paving, cleansing and lighting the Borough;[3] subscribing generously towards the expenses; contributing from its scanty funds to the widening of Leeds Bridge,[4] to the rebuilding of the Moot Hall,[5] to the building of a new White Cloth Hall;[6] taking £500 worth of shares in a canal undertaking;[7] in 1798 patriotically giving £500 to the Government to help to repel the French invasion;[8] and in 1824 supplying an equal sum towards the redemption of the vicarial tithes upon the town.[9] For many years, indeed, the half a dozen different bodies among whom the civil administration of Leeds was divided, were more distinct in form than in substance. Though the Vestry, the Water Commissioners, the "Trustees for Pious Uses," the Trustees in whom the Vicarage was vested, the Workhouse Board and the Paving Commissioners all came to be nominally distinct bodies, we find the Mayor, Recorder, and Aldermen active members of them all, and virtually directing their proceedings. Down to 1818, the whole executive business of the town was left, without question, in the hands of the little group of friends and relations who served in turn as Mayor, Aldermen, and Churchwardens, and appointed, without cavil, their own nominees as Overseers and Surveyors of Highways.

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[1] *Municipal History of the Borough of Leeds*, by James Wardell, 1846, p. 32.

[2] *Ibid.* p. 63; *Yorkshire Past and Present*, by T. Baines, 1870, vol. ii. p. 184; *Civil . . . History of Leeds*, by E. Parsons, 1834, vol. i. p. 131.

[3] "Ordered that the Treasurer of this Corporation do out of the Corporation's Stock pay to Sir Henry Ibbetson, Bart., the sum of fifty pounds towards defraying the expense of obtaining an Act of Parliament for lighting the Town of Leeds with lamps" (MS. Minutes, Leeds Corporation, 2nd January 1755). In 1776, the Corporation supports another Bill for "the better lighting, paving, repairing, cleansing, and watching the streets . . . of Leeds, and for preventing and removing nuisances . . . therein, and for widening . . . the same" (*ibid.* 7th September 1776; see petition in House of Commons Journals, 12th February 1776).

[4] MS. Minutes, Corporation of Leeds, 4th July 1760.

[5] *Ibid.* 22nd June 1753.

[6] *Ibid.* 29th September 1774; *Municipal History of the Borough of Leeds*, by J. Wardell, 1846, p. 84.

[7] *Ibid.* p. 84.

[8] *Ibid.* p. 87.

[9] *Ibid.* p. 91; 5 George IV. c. 8.

The administrative and judicial work thus performed by the little group of active members of the Corporation of Leeds seems to have been, in all respects, beyond reproach. We find no accusations against them, either of partiality in justice or jobbery in administration, whether in the time of their unquestioned supremacy prior to 1818, during the struggles of 1818-33, or even in the investigations of the Municipal Corporation Commissioners themselves. The Town Council was, indeed, fully justified in its dignified protest to the Municipal Corporation Commissioners, "that the Leeds Corporation has been proved free from all taint of corruption and malversation, and that the Magistracy appointed under its Charter has ever performed its duties honestly, fearlessly, and independently, to the satisfaction of the inhabitants at large."[1] From first to last the little knot of wealthy Tory Churchmen who formed the Corporation appear to have given Leeds all the advantages of an honest, dignified, and absolutely pure administration.[2]

It is thus all the more noteworthy that the final stage of the Leeds Corporation should have revealed so unmistakably the inherent drawbacks of such a method of providing a Municipal government. With the growth of population and the new industry, there had, by 1815, gradually come to be a number of residents of wealth, capacity, and energy, who found themselves excluded, by their religion and political opinions, from any share in the government of their own Borough. Their resentment at their exclusion was heightened by the contemporary increase in the Poor Rates, by the restrictive regulations required in a rapidly growing town, and by the traditional secrecy of the Magistrates' proceedings. Between 1818 and 1833, the excluded classes were ably led by men inspired with a faith that those who paid the rates ought, as a matter of principle, to control the expenditure of those rates. We have already told the tale, in our chapter on the Parish,[1] of the swamping of the Vestry by the Radical Dissenters, the election of Churchwardens of their own party, and their successful struggle with the Magistracy to get control over Poor Relief and Highway administration. In 1826, after an amending Act, they dominated the Paving Commissioners, the Mayor and Aldermen gradually ceasing to attend. Meanwhile, it was becoming increasingly difficult to keep up the succession of qualified citizens willing to take upon themselves what had become extremely onerous and disagreeable duties.[2] By 1833, in fact, the government of Leeds, split up between Tory Corporation and Whig Commissioners, Dissenting Churchwardens and Church Overseers—in the background a turbulent Vestry confronting an obstinate Bench of Magistrates—had, in spite of the good intentions and honesty of all the parties concerned, ceased to provide a possible administrative machine.

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[1] MS. Minutes, Leeds Corporation, 12th June 1833. It is significant that we find, in 1808, the public committee of Manchester citizens expressing the desire that Manchester should be endowed with Municipal institutions similar to those of Leeds, "self-elect" though these were. They suggest that "a local government, formed on the model of that of Leeds, with such alterations as may be more perfectly adapted to the circumstances of this place, would most effectually provide for the prompt administration of justice, and in the manner most congenial to the laws and constitution of England, as well as to the spirit of the other resolutions of the general committee by which the committee was appointed. And we conceive that a permanent body of guardians of the peace, clothed with the authority of magistracy, would here, as in other places, be the natural guardian of all interior public interests, able to conduct them with uniformity and consistency, and ready at all times for the immediate prevention or correction of abuses, and might represent the inhabitants in all their external relations with a character and dignity becoming the largest provincial community in the United Kingdom" (*Report of Committee to obtain Reforms*, Manchester, 1808).

[2] "We are convinced," said a hostile journal in 1833, "that during the 172 years which have elapsed from the granting of the Charter of Charles II. they [the Corporation] have conducted their administration in such a manner as, generally speaking, to deserve the esteem of the inhabitants" (*Leeds Times*, 4th April 1833).

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[1] *The Parish and the County*, 1906, pp. 94-98.

[2] Already in 1776 we note four leading citizens refusing to accept election as Common Councilmen in order to avoid liability to serve as Alderman or Mayor, and paying, instead, a fine of £200 each. The fine was thereupon increased for the future to £400 (*Leeds Intelligencer*, 26th December 1776). Between 1803 and 1833 there were no fewer than thirteen cases in which the person chosen as Mayor declined to serve, and preferred to pay a fine of £200 to £500. The Corporation received in this way £4800 in thirty years from its own members (*Old Yorkshire*, by William Smith, vol. ii., 1881, p. 204); and possessed, indeed, no other property than its savings from this source of revenue. Between 1815 and 1835 the Minutes of the Corporation record practically no business (other than the periodical formal elections of Mayor, Aldermen and Assistants), beyond loyal addresses to the King, and a few petitions against such Parliamentary measures as Catholic Emancipation and the Reform Bill.

The Mayor, Bailiffs, and Commonalty of the City and County of Coventry

Unlike Penzance and Leeds, the ancient City of Coventry [1] boasted an historic past of splendour and dignity. Like Winchester and Oxford, it was a place in which we frequently find the Royal Court, and it came, in fact, to be styled the "Queen's Arbour" and the "Prince's Chamber." Its Municipal pageants, and the miracle plays and mysteries of its Gilds, were renowned even in an age of pageantry. In the Wars of the Roses, and in the campaigns of the Rebellion, this fortified city, like Oxford, Gloucester, and Bristol, was taken and retaken by the opposing forces. As late as 1565 it could claim seriously to be "the third city of the Queen's realm." [2]

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[1] The materials for a history of the Municipal Corporation of Coventry are abundant and interesting. Our principal source has, of course, been the valuable Great Leet and Grand Council Minutes, Sessions Rolls, Constables' Presentments, and other MSS. of the Corporation itself, reported on by the Historical MSS. Commission (vol. i. 1870 and vol. xv. 1899), and catalogued in the *Calendar of the Books, Charters . . . and other Writings . . . of the City of Coventry*, by J. C. Jeaffreson, 1896. The voluminous Leet records, which extend from 1420 to 1733, are now in course of publication by the Early English Text Society, the first volume (*The Coventry Leet Book*, by Miss M. D. Harris) having appeared in 1907. The House of Commons Committee Report of 1833 and the First Report of the Municipal Corporation Commission of 1835 (vol. iii.) contain much information. We have also found useful, after 1784, the files of the *Coventry Mercury*, *Coventry Observer*, and *Coventry Herald*; the MS. Minutes of the Street Commissioners from 1790, and the MS. Vestry Minutes of Holy Trinity and St. Michael's parishes. Of books and pamphlets, we may mention *The Antiquities of Coventry*, by Sir W. Dugdale, 1765, being part of his *Antiquities of Warwickshire*, 1st edition 1656, 2nd edition 1730; *An Account of the Many Great Loans, Benefactions and Charities belonging to the City of Coventry, 1733; A Particular and Authentic Account of the Common Grounds of and belonging to the City of Coventry*, by Humphrey Wanley, 1778; *A Journal of the Proceedings of John Hewitt . . . in his duties as a Magistrate during a period of twenty years* (1779 and 1790); *History and Antiquities of Coventry*, by W. Reader, 1810 and 1824; *Pageant of the Company of Sheremen and Taylors in Coventry*, by T. Sharp, 1817; *Dissertation on the Pageants*, by the same, 1825; *Mayors, Bailiffs, and Sheriffs of Coventry*, 1830; *The Presentation in the Temple*, by T. Sharp (Abbotsford Club, 1836); *Coventry, its History and Antiquities*, by B. Poole, 1870; *Illustrative Papers on . . . Coventry*, by T. Sharp, edited by W. G. Fretton, 1871; various papers on Coventry Gilds, etc., by W. G. Fretton; *Humorous Reminiscences of Coventry*, by T. W. Whitley, 1888; *Parliamentary Representation of Coventry*, by the same, 1894; *Charters and Manuscripts of Coventry*, by the same, 1897; *History of Stoke in the Parliamentary Boundary of Coventry*, by T. A. Blyth, 1897; and *Life in an Old English Town*, by Mary D. Harris, 1898, which is an excellent historical study of Coventry Municipal life in the Middle Ages.

[2] Oration of the Recorder; in *Coventry, its History and Antiquities*, by B. Poole, 1870, p. 90.

In the seventeenth century it was "environed with a wall, co-equal if not exceeding that of London for breadth and height, and with gates and battlements, magnificent churches and stately streets, and abundant fountains of water, altogether a place very sweetly situate."[1] Nor had its constitutional history been less varied than its external relations. The "men of Coventry," originally divided in their subjection between a Prior and an Earl, had gradually won Franchise after Franchise by playing off the ecclesiastical against the temporal lord, the King against both of them, the House of Lancaster against the House of York, and Parliament against the Crown.

In 1689, when we take up the story, Coventry seems to have contained about ten thousand inhabitants, and to have ranked, with its "timber-built houses project[ing] forwards into the street towards one another, insomuch that . . . they almost touch at the top,"[2] next after Bristol and Norwich among the English Municipalities. The busy manufacturing city of craftsmen and traders had by this time acquired for its Corporation every Municipal jurisdiction, from the View of Frankpledge to the County Shrievalty. The Corporate body appointed all the officers, from Constables to Coroners. It took the profits of the markets and fairs. It owned and controlled extensive common lands. It held all the Courts, not merely within the walls of the ancient City, but throughout the area of the "County" jurisdiction which had been acquired over nearly thirty square miles of cornfields, commons and subordinate villages.[3] The "men of Coventry" were exempt from "toll, passage, pontage, murage and pavage for all their goods and merchandize throughout England and Ireland." Organised in rich and powerful Trade Companies,[4] they regulated all the crafts. They elected the two members of Parliament whom the City and County returned. The Corporation itself was a wealthy landowner, with a rent-roll, either as trustee or as beneficial owner, exceeding £3000 a year. In all these respects, Coventry stands in marked contrast with Penzance and Leeds.

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[1] By Nathaniel Wharton, a Parliamentary officer of 1642; in *Coventry, its History and Antiquities*, by B. Poole, 1870, p. xvii.

[2] *A Tour through the Whole Island of Great Britain*, by D. Defoe, vol. ii. p. 409 of 1748 edition.

[3] "Whereas ye are now Bailiffs," Henry VI. informed the Mayor and his Brethren, "we will that ye be hereafter Sheriffs" (*Life in an Old English Town*, by M. D. Harris, 1898, p. 118). The Charter of 1451 made the City of Coventry, with about thirty square miles of adjacent country—perhaps coincident with the Manor of Cheylesmore—into a County of itself, just as Bristol, York, and Norwich already were. As such, it remained for nearly three centuries entirely divorced from the County of Warwick (except, presumably, for the purposes of the Lieutenancy), until 1842, when (by 5 and 6 Vict. c. 110, sec. 1) it was again included in Warwickshire.

[4] The Trade Companies of Coventry are of special interest, partly because of

Yet in 1689, the Municipal constitution of Coventry, for all its antiquity and complicated history, did not differ essentially in organisation from that of Leeds. It bore, however, in many an elaborate formality, picturesque traces of an earlier type. Less than a century before 1689 the supreme governing authority had been the "Great Leet" or View of Frankpledge, a Court held every Easter and Michaelmas by the Mayor and attended by a concourse of the citizens; acting by the "Grand Inquest" or Jury, nominally made up of any Freemen, but in practice confined to such of them as were past officers of the Corporation. We do not need here to inquire at what date this Great Leet had come into existence; nor exactly how it had acquired the various jurisdictions once exercised by the separate Manorial Courts of the Earl and the Prior respectively; nor how far it was warranted in its control either over the common lands outside the City itself or over what had now become the County of the City. Nor need we stay to inquire exactly what relation the Great Leet had borne to the Freemen on the one hand, of whom the Mayor would sometimes "make a Hall," chosen apparently from the several Wards at his own discretion;[1] and, on the other, to the

their close connection with certain Gilds of a religious, social, and benevolent character, partly because of their intimate association with the Municipal pageants, and partly because of the inchoate journeymen's organisations that they reveal. They well deserve a careful monograph. But they do not appear to have had any organic connection with the Municipal Corporation. Half a dozen of them survived into the latter part of the nineteenth century; and some of their records are still to be found in the hands of the last members (*Coventry, its History and Antiquities*, by B. Poole, 1870, pp. 28-36; *Life in an Old English Town*, by M. D. Harris, 1898, pp. 253-81).

[1] Whether or not all the Freemen of Coventry had ever met, as of right, in a Court of Common Hall—perhaps in the "broad open space" at St. Michael's Churchyard (*Life in an Old English Town*, by Miss M. D. Harris, 1898, p. 361)—cannot, we think, be held to have been established. In the fourteenth and fifteenth centuries we see the Mayor "making a Hall" (*fecit aulam*), by summoning four or six or more citizens out of each Ward, the numbers varying from two to eight score (*ibid.* pp. 110, 115, etc.; *The Coventry Leet Book*, by the same, 1907, pp. 33, 62, etc.). Yet already in 1470 the Freemen claimed to have existed before the Mayor. "The Commonalty of the same City, afore

transient bodies of "Mayor's Counsellors," twenty-four or forty-eight in number, of whom we read.[1] What is clear is that, in the sixteenth century, it was the Great Leet that had long annually elected the Mayor and the other great officers of the Corporation for the year next ensuing; it was the Great Leet that had appointed the four-and-twenty Constables; it was the Great Leet that had made presentments of offenders and defaulters; it was the Great Leet that had been the active legislative body, regulating the Trade Companies, fixing the obligations of individual citizens for lighting, paving, watching, etc., enacting general By-laws, and even formally confirming the orders of the Corporate Justices of the Peace in such matters as the Assize of Bread and the Rates of Wages. The Great Leet would even take upon itself, in the fifteenth and sixteenth centuries, to alter the internal constitution of the Corporation, in spite of its many Charters. But after 1622, when the Corporation had obtained from James I. one more Charter, definitely setting up the Mayor, Aldermen and Councillors as a permanent governing body, we see the Great Leet sinking, almost suddenly, into a position of subordination and insignificance. The Court continued to be held annually, with much of the ancient pomp. It still went through the form of electing the Mayor and other chief officers. But this became a mere ceremony, the thirty-one members of the Grand Inquest being expressly chosen for the purpose by the Grand Council and exercising no independent functions. Except for an occasional fining of a Freeman who refused to be Mayor, a periodical recital of ancient customs, and now and again a perfunctory presentment, the Great Leet became, after the seventeenth century, a mere formality.

The real governing body in 1689 was the so-called "Grand Council" of Mayor, Aldermen, and Councillors—or rather, as we shall presently see, the Mayor and Aldermen, who alone were Justices of the Peace. The members of this Council, of no definite number, but incidentally limited by Charter to a maximum of thirty-one, served for life, and recruited them-

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that any Mayor or Bailiff was, were seized" of their common lands "in their demesne as of fee, time no man's mind is to the contrary" (*Life in an Old English Town*, by the same, 1898, p. 214).

[1] *The Coventry Leet Book*, by Miss M. D. Harris, 1907; *Life in an Old English Town*, by the same, 1898, pp. 98, 220.

selves, when and as they chose, by mere co-option.[1] Every year, at the Michaelmas Great Leet, the Mayor, Aldermen, and Councillors had to retire to the Council House, and there to return a list of thirty-one persons, consisting "of themselves and of the ancientest citizens who have before executed the offices either of Mayor, Bailiffs, Chamberlains or Wardens," who took the place and assumed the name of the Grand Inquest. The thirty-one persons so designated—virtually the Grand Council itself—elected annually one of themselves as Mayor, and formally appointed or reappointed the Recorder, the two Bailiffs or Sheriffs, the Coroner, the Steward, the two Chamberlains, the two Wardens, the Swordbearer, the Mace-bearer, the two Sub-Beadles, the Crier, the High Constable and the twenty-four Constables. The position of the Aldermen was obscure. According to the Charter they ought to have been ten in number, and to have been chosen by the Council from among those Freemen who had served as Mayor or Bailiff. In practice, the Mayor after his year of service was habitually chosen to fill the next vacancy, whilst if the number of ex-Mayors fell below ten, the Council would appoint one of the Councillors who had not yet passed the Chair. The Mayor and all the Aldermen were Justices of the Peace for the City and County, and, though they were all assigned to particular Wards, they exercised their Magisterial functions throughout the whole area.[2]

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[1] According to the Charter, there ought to have been a "Second Council" appointed by the first, of twenty-five Freemen who had filled certain Municipal offices. This "Second Council" seems never to have been appointed, or at least not to have existed for over two centuries (First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1798).

[2] Various attempts seem to have been made to connect the Aldermen with the various Wards. "There was some debate," in 1451, "as to whether Aldermen should be made over every Ward," but no steps were then taken (*Life in an Old English Town*, by Miss M. D. Harris, 1898, p. 152). But in 1642 we read of the Watch being set every night by "the Alderman of the Ward" (MS. Records, Corporation of Coventry, January 1642; *History of Coventry*, by W. Reader, 1810, p. 272). There were (as in the City of London, and for some time at Bristol) even "Aldermen's Deputies" for the several Wards, to assist the Aldermen in their Ward duties, and acquaint them of defects and defaults (MS. Records, Corporation of Coventry, November 1648). We infer that each Alderman had, either on election as Alderman or at some other time, a Ward assigned to him for special supervision. Thus, in 1689, we read of the election by the Common Council of one of its members (Thomas Rogers) "to be Alderman of Carle Street Ward in the room of Alderman Hayward lately deceased" (*ibid.* 14th August 1689). Thomas Rogers had been Mayor in 1687. His predecessor in the Ward had been Mayor in 1668.

Between 1689 and 1835 we do not find that this constitution underwent any formal alteration. But in actual practice we note three important changes in the Municipal government of the City. The Freemen, though they remained to the last an exceptionally numerous body, gradually dropped out of all connection with the Corporate administration. The Grand Council, though retaining all its nominal authority, silently fell into a position of practical inferiority to the little knot of its own members who were Justices of the Peace, and in whom the real government eventually resided. Finally, there came into existence, in 1763 and 1801 respectively, statutory bodies of Street Commissioners and Incorporated Guardians, the former a mere creature of the Justices, the latter an independent, and eventually hostile authority.

It was, we infer, coincident with the decay of the Great Leet in the seventeenth century, and the social dislocations of the Commonwealth, that the Freemen of Coventry passed out of organic connection with the Corporate administration. So long as the Great Leet, which all the Freemen were supposed to attend, was the dominant authority, we find it perpetually insisting that the Masters of the Companies should compel the apprentices not only to enrol themselves in the Corporation, and to take up their Freedom before setting up in business, but also to "unite and conform themselves" to their respective Trade Companies,[1] and to obey the regulations made by these bodies. On the other hand, the Freemen, in their attendance at the Great Leet, and their assumed representation by the Grand Inquest, had a real, if somewhat intangible, influence upon all the acts and orders. With the decay and practical extinction of the Great Leet, except for

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The Mayor himself was appointed Alderman of a Ward in 1699, on the decease of its Alderman (*ibid.* 1st July 1699). The number of Aldermen at any one time varied. In 1622, we are told "that twenty persons were living . . . who had been Mayors of Coventry" (*History of Coventry*, by W. Reader, 1810, p. 64), but it is not clear whether more than ten of them could have been Aldermen and Justices. In 1752 it was "ordered and agreed that henceforth upon the vacancy of an Alderman and Justice of the Peace for this City, the usual compliment which has been for many years past paid to the then Mayor in the Chair, of succeeding upon each vacancy, shall from henceforth be constantly paid to the then senior Mayor, and in case of his refusal to accept such office, to the then next senior Mayor, and so on according to such seniority" (MS. Records, Corporation of Coventry, 19th September 1752).

[1] MS. Records, Corporation of Coventry, 18th April 1670.

ceremonial purposes, the whole conception of the Freeman's position changed. By the end of the seventeenth century, at any rate, we see an outer circle of "Free Citizens" recognised —apparently consisting of men who, presumably by gift or purchase of the Freedom, were permitted to trade, and even to share to a limited extent in the enjoyment of the common pastures, but who had not been duly apprenticed, or had at any rate not been formally enrolled as Freemen by the Corporation.[1] In 1722 and 1780 the House of Commons decided that only persons who had been admitted to the Freedom by the Corporation itself, as distinguished from the Companies, and after Servitude of Apprenticeship, as distinguished from purchase or co-option, could exercise the Parliamentary Franchise. These successive discriminations dissociated the Freemen from any exclusive privilege of trade and rapidly disintegrated the Companies; whilst they deprived both the Companies and the Corporation of any power to increase or restrict the number of Freemen. On the other hand, as it cost only a pound or two for a boy to become apprenticed, and in due course to be admitted to the Freedom, and as this carried with it various privileges and opportunities of pecuniary value, the number admitted steadily rose, until, in 1832, it reached no fewer than 2756, there being in Coventry half as many Freemen as householders. This quite exceptionally numerous body of resident Freemen, mostly of the manual-working, wage-earning class, constituted, in the latter part of the eighteenth century, and at the beginning of the nineteenth, an unorganised mob, entirely dissociated from the Municipal government, the occasion for endless corrupt practices at Parliamentary elections, and perpetually quarrelling among themselves and with the Corporation and the public, as to their exclusive enjoyment of the common pastures, and the richly endowed Corporate charities.[1]

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[1] Whether these "Free Citizens" represented an ancient element in the City, or were merely the result of modern laxity, is obscure. Whatever their antiquity or origin, their status in the eighteenth century seems to have been not unlike that of the Free Brothers of Morpeth, as compared with the Freemen or Burgesses, and that of the Freemen of the City of London, as compared with the Liverymen. Besides those on whom the Freedom was conferred by a vote of the Corporation, "persons who serve as Charter officers, or those who keep public-houses (the latter paying an acknowledgment), become Freemen of this description, and exercise a right of pasturing cattle on the Lammas lands" (*Coventry Mercury*, 17th October 1825); but they could turn out only one beast each, instead of three, and their privilege did not descend to their sons (MS. Records, Corporation of Coventry, 1600; *Coventry, its History and Antiquities*, by B. Poole, 1870, p. 353).

It might have been anticipated that the supersession of the Great Leet and the definite establishment of a permanent "Grand Council" would have given the latter body the real government of the City. In the course of the couple of centuries that followed the Charter of 1622 things worked out to a different result. At first, indeed, the Council, from being a mere executive committee acting in the intervals between the Leets, developed into an acting governing body, to which the Grand Inquest was entirely subordinate. During a great part of the seventeenth century, indeed, the Council may be said to have concentrated nearly all the Municipal government in its own hands—paying, out of the Corporate funds, for gaols and bridges as well as for water supply and scavenging.[2] But the regulative and minor criminal jurisdiction of the Great Leet was not transferred to the Council, and passed insensibly to the Court of Quarter Sessions, which the Mayor and Aldermen held as Justices of the Peace. It was to this Court of Quarter Sessions that the twenty-four Constables—organised, as we find, into an interesting "Jury of Constables," deserving further investigation[1]—now made their presentments. This Court of Quarter Sessions had, too, its "Grand Jury," which we find carrying on much of the duty formerly performed by the Grand Inquest of the Leet. These presentments, whether as to nuisances, defaults, and assaults on the one hand, or as to gaols, vagrants, and bridges on the other, together with the orders that the Court made upon them, gave the Justices no small part of the government of the town.[2] And this part tended constantly to increase. Throughout the eighteenth century, as we have elsewhere described, statute after statute both enlarged the summary jurisdiction of the Justices, and added to the administrative work of the Court of Quarter Sessions. We see one service after another, which had formerly been organised and sometimes paid for by the Municipal Corporation—such as the relief of the poor and the maintenance of the highways, the control of vagrants and the keeping of the gaol, the care of the streets and the upkeep of the bridges—provided for under special statutes, and at the expense of rates levied upon the householders. The "Grand Council" of Coventry, like Town Councils elsewhere, kept in its own hands the control and administration of the Corporate property. But it was the Mayor and Aldermen, as Justices, not the Council, who gave the orders for the Watch, directed the Constables, instructed the Surveyors of Highways, and controlled the Overseers of the Poor. It was the Justices, not the Council, who made the rates and passed the accounts. And when we realise that the Mayor and Aldermen were almost in perpetual session—the Court of Quarter Sessions meeting, not quarterly, but, by the device of adjournment, "every Friday in the Mayor's Parlour"; whilst the Mayor or one of the Aldermen attended on five other mornings a week "to transact public business"—it is easy to understand how inevitably a large part of the government of the City passed into their hands.[1]

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[1] Though the Corporation, as Lord of the Manor, was the freeholder of the extensive common lands which surrounded the City on nearly all sides, and latterly hemmed in its growth, the entire user and management of the pasturage was assumed to be in the general body of Freemen, each of whom could turn out three beasts for six months on the Lammas lands and for four months on the Michaelmas lands. Lammas Day, when the pasturage began, was made the occasion of great festivity (see the picture reproduced in *Life in an Old English Town*, by M. D. Harris, 1898, p. 232). In the latter part of the eighteenth century, when encroachments on these Lammas lands were frequent, the Freemen formed (about 1788), for the better protection of their rights, what were known as the Freemen Graziers' Society and the Freemen's Committee. The two Chamberlains annually appointed by the Corporation were assumed to be the legal representatives of the Freemen, and when, in 1828, the Holyhead Road Turnpike Trustees obtained power to buy some of the land, it was to the Chamberlains that the purchase money was paid, to be appropriated as a special committee of Freemen might direct. Various proposals were made from time to time (1810, 1829, etc.) for the enclosure and lease of parts of these common lands, but without success; though by 1829 there were only about four hundred of the Freemen who ever exercised their rights to turn out beasts (*Coventry Mercury*, 14th and 28th June, 19th July and 9th August 1784, 21st July 1788, 15th November 1790, 19th April 1824, 17th June 1827, 6th March and 22nd May 1828, 28th February 1830; *Coventry Observer*, 20th August and 3rd and 10th December 1829; *History of Coventry*, by W. Reader, 1824, p. 34; *Life in an Old English Town*, by M. D. Harris, 1898, p. 108; *A Particular and Authentic Account of the Common Grounds, etc.*, by Humphrey Wanley, 1778; *Coventry, its History and Antiquities*, by B. Poole, 1870, pp. 348-357). Part was finally enclosed and the remainder made public common for the whole year by an Award of 1860 (*ibid.* pp. 316-318, 355-356).

[2] See, for instance, its orders to rebuild the gaol in Cuckoo Lane and repair the bridge at Bradnock's Marsh (MS. Records, Corporation of Coventry, 17th July 1697 and 12th January 1698).

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[1] *The Parish and the County*, pp. 464-465.

[2] MS. Records, Court of Quarter Sessions, Corporation of Coventry 1629-1775.

Whilst the Mayor and Aldermen, as Justices of the Peace, were taking over all regulative functions of the Great Leet, and also the repair of the bridges and gaols, at one time managed by the Grand Council and charged to the Corporation funds, the Council was seeking to disburden itself also from the duty of repairing the "causeways" of the City, keeping in working order the numerous "public wells and pumps," and cleansing the channels and ditches that provided the primitive drainage. The performance of these duties was becoming, in the eighteenth century, year by year more costly, involving much purchase of material, the engagement of labourers at wages, and even the payment of a salary of £10 a year to one of the Aldermen for acting as supervisor.[2] Moreover, the lighting and watching of the City, hitherto provided for only by the obligations of the individual householders to hang out lamps and keep "Watch and Ward," fell altogether below the rising standard of the time. In 1725, indeed, the Corporation had even felt obliged to get the Great Leet formally to authorise the Constables, with the approval of the Council, to levy a rate in each Ward to pay for public lamps—an expedient of doubtful legality, the response to which was plainly not adequate to the need. Hence we find, in the autumn of 1762, the Council itself instructing the Town Clerk to draft a petition to Parliament, and appointing a committee to carry through a Bill, modelled on one just obtained for Nottingham, for the establishment of a body of twenty-two Street Commissioners named in the Act, empowered to levy a rate for paving, lighting, and watching the City, and

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[1] We find the Grand Council in 1733 protesting against the assumption by the Mayor and Aldermen of the position of an executive committee of the Corporation. "At this House, a question arose whether, by some ancient former order of this House, the Mayor and six of his Brethren might not assemble here to do Acts and make Orders of this House. It is ordered and agreed that no Act or Order of this House can or shall be deemed a good and valid Act of this Corporation, unless the majority of the whole body shall be present and the greater part of that majority shall assent thereto" (MS. Records, Corporation of Coventry, 20th October 1733).

[2] "Ordered and agreed that Mr. Alderman Pool shall be the Surveyor of the Causeways adjoining and belonging to this City, and that he shall be allowed £10 per annum out of Mrs. Swillington's estate for his pains and care therein, the rents whereof he is to collect; and his salary to commence from Ladyday last" (MS. Records, Corporation of Coventry, 2nd July 1728).

[illegible] COLLEGE LIBRARY

maintaining the water supply. In spite of obstruction from Tory peers of the neighbourhood, and of not a little resistance in the City itself, the Bill became law in 1763.[1] But although this "Scavenger Act" as it was called, which was amended in 1790,[2] took almost all the remaining business of Municipal government out of the hands of the Council, and transferred the cost to an annual rate, it seems to have been so worked as positively to increase the personal influence of the Mayor and Aldermen.[3] The Mayor and at least five Aldermen had always to be Commissioners; the Mayor for the year was always the Chairman; their meetings were always held in the "Mayor's Parlour"; so far as we can ascertain from the records, it was the Mayor and two or three Aldermen who alone attended with any regularity; and all the evidence points to the inference that it was they alone who controlled the proceedings.[4] Right down to 1835, the

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[1] MS. Records, Corporation of Coventry, 1st November 1762; House of Commons Journals, 13th February, 2nd March, 16th and 20th December 1762, 21st February 1763, 3 George III. c. 41; *History of Coventry*, by W. Reader, 1824, p. 22; *Coventry, its History and Antiquities*, by B. Poole, 1870, p. 344; *Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, p. 163 and Appendix, pp. xv-xvi.

[2] 30 George III. c. 77, by which the number of Commissioners was increased to thirty-five, and enlarged powers of street improvement were conferred. There is a reference to this Act in the *Journal of the Proceedings of J. Hewitt*, vol. ii. p. 14 (1790); see also *Coventry, its History and Antiquities*, by B. Poole, 1870, p. 344; and *Coventry Mercury*, 17th January 1791.

[3] It was alleged that the project had been advocated by James Hewitt, Serjeant at Law, and M.P. for Coventry, deliberately as a means of strengthening the Mayor and Aldermen. "Now this tax," he is represented as arguing, "if the Act is passed, will lay a heavy burden upon the inhabitants in general, and may, as far as you please, prove oppressive. For, as all appeals for redress of grievances will come before you, you may favour those you think proper, and give a deaf ear to those you would wish to distress. . . . And the better to strengthen your power, I will insert the names of many of you, with many others of our staunch friends, to be appointed Commissioners for carrying this intended Act into execution. You will have the power of appointing Assessors and Collectors. Now as the Assessors will receive a great deal of trouble without the least emolument, it may not be improper to appoint persons to such offices as are not favourable to your wishes. And as for Collectors, I recommend they may be your friends, as an allowance of poundage will be paid for collecting the money. . . . And you will have the appointment of Scavengers, Paviors, and other workmen, all of whom you may choose out of those who will render you service" ("Chronicles of the Times at Coventry," reprinted in *Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, Appendix, p. xvi).

[4] MS. Records, Coventry Street Commissioners, 1790-1835; *Coventry Mercury*, 17th January 1791. "When I was a young man," said "An Old Commissioner" in 1834, "I acted as a Street Commissioner, until that body . . . became so exclusive that interference was entirely unavailing, for the select few rode so

Coventry Street Commissioners, although independent of the Council, remained, in effect, a mere committee of the Mayor and Aldermen; and their secrecy, partiality, exclusiveness, and inefficiency[1] formed part of the reformers' indictment of "the Corporation system."[2]

The opening of the nineteenth century saw the establishment in the City of Coventry of another statutory authority, this time actually as well as nominally independent of the Municipal Corporation. Until 1801 the relief of the poor had been in the hands of the officers of the several Parishes under the superintendence of the Mayor and Aldermen, in their weekly meetings as Justices of the Peace. In that year the administration, we are told by a contemporary, "laboured under extreme difficulties. The inhabitants were paying from 28s. to 29s. in the pound rack rent to the Poor's Rates. Yet notwithstanding this, the accommodations in the different Poor's Houses were totally inadequate, and the poor literally starving in the streets."[3] In this emergency, the Mayor persuaded a public meeting of the ratepayers of the two principal Parishes to petition Parliament for a Local Act "incorporating" the two Parishes under a new body. This proposal met with vehement opposition. Already, it was urged, "absurd and injurious acts to Coventry have been sanctioned and allowed under the Scavenger Act, to the no small expense of the inhabitants, and to the no small profit of the Commissioners' contractors under that Act." The ratepayers were accordingly incited "to judge for themselves whether they will be laid at

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high a horse there was no stopping them" (*Coventry Herald*, 6th December 1834).

[1] "Coventry," wrote an inhabitant in 1827, "has always been reckoned one of the filthiest towns in the Kingdom from the careless and inefficient manner in which the streets are swept (which does not take place upon an average twelve times in the year), and often after such sweepings the heaps of mud are suffered to remain till a heavy shower of rain washes it away" (*Coventry Observer*, 22nd November 1827).

[2] In 1812, it may be noted, another Act was passed, limited in duration to twenty-one years, which created a separate body of Commissioners, authorised to widen certain streets and make new ones, at the expense, not of a rate, but of a toll to be levied on the traffic. Among these Commissioners, too, the Mayor and Aldermen had influential places (52 George III. c. 57; MS. Records, Corporation of Coventry, 7th January 1812, etc.; *History of Coventry*, by W. Reader, 1824, pp. 22-24; *Coventry, its History and Antiquities*, by B. Poole, 1870, p. 345).

[3] *Coventry Mercury*, 5th July 1802.

the mercy of any set of men, whether Commissioners, Contractors or Directors, intended to be appointed and sanctioned by the present Bill."[1] What was most strongly objected to was the proposed establishment of a "House of Industry," in which the poor were to be employed. The trades in which their competition was apprehended, notably the Silkweavers and the Cordwainers, got their Companies to petition against the Bill. The poorer Freemen joined in opposition to the projected "institution wearing a soft name, but bearing a gloomy aspect," which "they could look upon . . . in no other light than the Grave of their Liberty," and which they denounced as "the Bastille."[2]

Possibly because of the strong popular opposition to the new body, the Mayor and Aldermen did not claim to be made members, and were not even entrusted with the usual passing of the accounts.[3] All occupiers of property of £20 a year rateable value, numbering something like a couple of hundred, were incorporated as the Guardians of the Poor, to meet annually at Easter and elect nine of their number to serve for two years as Directors of the Poor; with power to the eighteen Directors so elected to borrow up to £15,000, to levy a rate on the occupiers, and to establish a House of Industry.[4] We need not follow the fortunes of this experiment, or the doings of the new authority, which seems to have greatly reduced the Poor Rate, and ultimately to have commended itself to the inhabitants. What is interesting is to find it, by 1833, the trusted exponent in Coventry of

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[1] *Coventry Mercury*, 23rd March 1801.

[2] *Ibid.* 28th June 1802.

[3] This was referred to a generation afterwards. "Our predecessors who obtained the Directors' Act would not trust the Coventry Magistrates with the auditing of their accounts, and all appeals against them are made before the Magistrates of the County of Warwick" (*Coventry Herald*, 2nd August 1833).

[4] 41 George III. c. 62. We may note an early introduction of a "Fair Wages Clause." In order to protect the Silkweavers, the eighteen Directors were expressly forbidden to employ the poor in the silk manufacture, otherwise than for hire only, at the usual and accustomed prices. Unfortunately the Guardians of the Poor of Coventry Union a few years ago ordered all the manuscript minutes and other records prior to 1847 to be destroyed! We can refer the student only to the frequent incidental references in the *Coventry Mercury*, *Coventry Herald*, and *Coventry Observer* between 1801 and 1835; *History of Coventry*, by W. Reader, 1824, p. 18; Report and Evidence of House of Lords Committee on the Poor Laws, 1814; the Accounts for 1821-22, in Home Office Domestic State Papers (No. 30 of 1822) in Public Record Office; First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1836.

"popular principles," against the "autocratic" Corporate Justices. For a couple of years the dispute was hot, provoking much recrimination in the local newspapers. The Mayor and Aldermen refused to give to the officers of the elected body the position and authority of Constables, with the result of stopping the administration. "Not a vagrant," we read, "has been apprehended, not a pauper has been removed. . . . The servant of the Directors is not empowered to act, and the Directors refuse to recognise the authority or interference of the Magistrates or their Constables."[1] Two months later, under fear of a renewed outburst of the cholera, we have further complaints "of the immense number of mendicants who are allowed, day after day, to perambulate the City, without any efforts to hasten their departure or to prevent their entrance. The lodging-houses, also, places of nightly resort for these characters, are now in a most unclean and filthy state; whereas last year the greatest care was taken to have them thoroughly washed and kept in a clean, healthy condition. The cause of the present inactivity, and the consequent influx of beggars, and the improper condition of the lodging-houses, arises from the disputes between the Magistrates and the Directors."[2] Not until the eve of their dismissal in December 1834, did the Mayor and Aldermen give way, and consent to swear in the Inspector of the Poor as a Constable, with authority "to commence an inspection of the lodging-houses and to remove the vagrants from the streets."[3]

The rise, within the Corporate body, of the Justices to a pre-eminent position, and the establishment of two statutory authorities, superseded, as we have seen, the Grand Council in nearly all its administrative functions. This disintegration of the Municipal government of Coventry might seem to render unnecessary any characterisation of the Corporation as a whole. But, as we have seen, both the Mayor and Aldermen and the Street Commissioners were, in effect, "projections" of the Corporation, and the Directors of the Poor were largely influenced by them. And though the Grand Council was always willing to relegate its costly obligations to authorities empowered to levy rates, it clung to its landed estates, its Charters, its markets, its patronage, its perquisites, and its profitable jurisdictions. Through a persistent exercise of these powers, and through the traditional authority of the Mayor, Bailiffs, and Commonalty of the City and County, the Grand Council, between 1689 and 1835, maintained a very real influence on the life of the whole community. Some description is therefore needed of what we may term the Corporate Personality, which had been built up in Coventry by centuries of property and power, and which continued, down to the last, to pervade, with its own peculiar flavour, every department of the life of the City.

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[1] *Coventry Mercury*, 30th June 1833.

[2] *Coventry Herald*, 23rd August 1833.

[3] *Ibid.* 5th December 1834.

It is, we fear, primarily to the Corporation of Coventry that must be ascribed the unenviable notoriety of that City, even in the eighteenth century, for the most flagrant corruption, malversation, and partiality. The archives of the Corporation, together with the contemporary pamphlets, newspapers, and Parliamentary inquiries, reveal a continuous atmosphere of political intrigue and partisanship. We need not follow the successive oustings of Roundheads by Royalists, and of Churchmen by Dissenters, that took place between 1660 and 1690. By the latter date the Corporation had become definitely Nonconformist and Whig; a complexion which it retained until the great turnover of 1784.[1] During this period the most prominent instrument of corruption was the power of admitting or refusing to admit recruits to the Freedom of the City. In this manipulation of the Parliamentary constituency, the Whig Corporation of Coventry was as unscrupulous and ingenious as any of its Tory contemporaries. We see, before every election, great batches of Freemen sworn in by the dominant faction. But the method of exclusion was also used. It was a custom[2] "that whoever has served an apprenticeship to any art or trade within the City is therefrom entitled to become a Freeman." To have admitted all such persons to full privileges would have created a body of Parliamentary electors, independent of the volition of the leaders of the Corporation. To get over this difficulty the Mayor and Aldermen invented the device of "swearing and admitting" the applicants for the Freedom; thereby conferring upon them the right to trade and to share in the pasturage and charities; whilst "enrolling," as entitled to the Parliamentary franchise, only such among them as were favourable to the Corporation candidates. For nearly half a century this arbitrary distinction was kept up. In 1769 a legal decision gave every duly apprenticed person a right to enrolment for the Parliamentary franchise. The Corporation then fell back on the creation of batches of Freemen by mere co-option, many of them non-resident. This, however, the Tory House of Commons would not stand from a Whig Corporation; and an Act of Parliament in 1781 confined the franchise in Coventry to those who had served a seven years' apprenticeship in the City.[1]

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[1] In 1711, when "party politics ran high," there was even a Tory plot to seize the "Sword and Mace" on 1st November, in order to prevent the Mayor-designate from being sworn in. To counteract this conspiracy, the Whigs secretly conveyed the indispensable emblems to a private house; and swore in the Mayor, suddenly, in the open street (*Coventry, its History and Antiquities*, by B. Poole, 1870, p. 405). A glimpse of the sectarianism of the Whigs of this "fanatic town," as a writer of 1702 called it (*Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, p. 117), may be gained from the *Diary and Correspondence* of Philip Doddridge, 1829, vol. i. pp. 348, 377.

[2] MS. Report of the case of Riley *v.* Corporation of Coventry, 23rd June

During the last decades of the eighteenth century, the Corporation of Coventry, whilst remaining largely Nonconformist in opinion, tended in politics to be more Tory than Whig. What, however, was its dominant desire was to have "Corporation candidates," and to return them against all independent opposition. Debarred by the Act of 1781 from manipulating the constituency, it fell back on corruption and intimidation. These weapons, indeed, had always been in common use in Coventry. "Previous to an election," writes a local satirist of 1761, "you may promise Bablake [almshouse admission] to every one that solicits the favour in consideration of their promising to serve you. . . . The above, joined to the advantage you now enjoy of having it in your power to promise and grant the 'Fifties,' 'Four Pounds,' and other such-like charities, as well as the power of granting and refusing licences to the publicans, will make you able to cope with

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1769, among the Corporation archives; *Coventry, its History and Antiquities*, by B. Poole, 1870, p. 407; *Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, p. 166.

[1] 21 George III. c. 54; *Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, pp. 189-190.

the most powerful opponents."[1] The distribution of the large endowed charities, like that of the loans from Sir Thomas White's bequest, and the granting of liquor licences, were avowedly governed by political favouritism. In 1833, as in 1761, it could be said that "the means of reward" the Mayor and Aldermen "possessed in the most ample manner. Bablake [almshouses] for their old well-tried veteran friends; the School for the sons of their more youthful supporters; 'Four Pounds' in gifts, and 'Fifty Pounds' in loans, with other small donations dropped here and there, as a proof of what might come of 'voting for the Corporation.' Besides the charity money, there were the funds of the body to supply . . . the sinews of war . . . which Lord Eldon decided might be legally used for electioneering purposes."[2]

But there were penalties for opponents as well as rewards for friends. "Be sure you give directions to the High Constable," it was urged in 1761, "not to oppress our friendly publicans by quartering soldiers upon them, except at particular times, and then very sparingly. . . . Do not let him forget to punish the Jacobite publicans by burdening them continually with as many soldiers as in his power lies. . . . Peradventure this kind of oppression may be a means of bringing over several of the Freemen who are publicans to our interest. . . . Our High Constable is no bungler in the art of fleecing; he does it very well."[3] What oppression of this sort did not effect, would be achieved by rioting. The opponents of the Corporation would find their windows broken, their property injured, and themselves mobbed and assaulted, in frequent little tumults and street rows, which individual Aldermen did not scruple to incite and to witness. At the election of 1826 the outrages reached a climax. "The hustings were occupied by a fierce and inebriated mob in the interests of the Corporation candidates, who by acts of violence debarred all access to the voters of the opposite party. . . . All persons who attempted to reach the hustings were subjected to severe ill-treatment; their clothes were torn from their backs, and many were severely beaten and kicked. . . . The passions of the mob were inflamed by immense quantities of . . . gin . . . supplied from the shop of one of the Aldermen, and . . . handed to the mob by the Corporation Constables from the Police Office."[1] So insecure had become life and property in Coventry, and so scandalous was the behaviour of the Mayor and Aldermen, that even the House of Commons of 1827 passed a Bill giving the Justices of Warwickshire concurrent jurisdiction within the City and County. But the Corporation stirred up enough opposition to get the House of Lords to reject the measure.[2]

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[1] "Chronicles of the Times at Coventry," reprinted in *Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, p. xv.

[2] *Coventry Herald*, 27th September 1833.

[3] "Chronicles of the Times at Coventry," reprinted in *Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, p. xv.

An unscrupulous use of patronage and power for political purposes was, however, not the worst of the faults of the Coventry Corporation.[3] In the administration of the Corporate funds they scarcely ever thought of the public needs of the City, but dissipated the money in their own feastings and perquisites. During the whole century and a half we find practically no appropriation of the Corporate revenue either for the charitable purposes so common in other Municipal Corporations, or for the development of the City.[4] We see no attempt even to provide market accommodation or to improve the water supply. Even the pageants, for which the City had so long been celebrated above other cities, and which had once formed so prominent a part of the work of the Corporation, were quietly dropped. But worse remains to be said. During the centuries of prosperity which had preceded the period with which we are dealing, the Corporation had been made the guardian of charitable endowments of considerable value. Unfortunately, it must be recorded that, throughout the whole period between 1689 and 1835, we find the Corporation of Coventry flagrantly dishonest as a charitable trustee. In its partial distribution of the extensive endowments entrusted to its care, in the profitable leases of charity lands granted to some individual Corporators, and in the lucrative contracts afforded to others, the Coventry Corporation stands out as exceptionally open to criticism, even among the shameless malversations of the eighteenth century. Its virtual embezzlement of the great Sir Thomas White endowment came repeatedly before the Court of Chancery between 1691 and 1722, and part of the defalcations had to be made good.[1] The extensive common lands around the City were always being filched away by individual enclosures and encroachments, at which the Corporation and its officers frequently connived. In the scramble for the spoil, the various sections of the Corporation would occasionally rise up and oppose one another, when the angry recriminations would lead to removals and reinstatements of particular Aldermen or Councillors, forming the subject of debate for years.[2] This atmosphere of mean and sordid peculation seems to have continuously characterised the "Corporation system" of Coventry for the last two centuries of its existence. More serious still was the fact that, owing to the exceptionally large proportion of Freemen, and the unusually extensive charitable endowments to be disposed of, the same mean grasping after profits and perquisites demoralised nearly every inhabitant of the City. Every other household was that of a Freeman; every Freeman felt himself entitled to participate in the Corporate possessions; every elector was offered bribes and had opportunities for self-enrichment. The Mayor and Aldermen at the summit, and the crowd of poor Freemen at the base, especially where they held the same political opinions, felt themselves to be in a not altogether reputable partnership and alliance for their common protection and profit against those who were not Freemen. At Coventry, in short, the relation between the governors and the governed, or that between individuals and the community, was not one of the reciprocal fulfilment of mutual obligations, but one of connivance at the bestowal and receipt of favours—connivance at the perpetual conversion of Corporate power and Corporate property into a stream of personal benefits, which were none the less larcenous and none the less demoralising because the households which in turn enjoyed them amounted to more than half of the whole City.

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[1] First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1833.

[2] *Coventry Observer*, 18th October 1827; *Coventry Herald*, 8th and 29th June 1827; *Coventry Mercury*, 11th March 1827.

[3] We learn from a note in the Harleian MSS. (7017, art. 52, f. 6) of 1689 that "there was not one gentleman amongst" the Mayor and Aldermen of Coventry. The Corporation seems, throughout the eighteenth century, to have been made up principally of small tradesmen.

[4] We have traced in the MS. Minutes of the Grand Council only two or three trifling donations of this sort between 1689 and 1835.

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[1] In 1542 Sir Thomas White had given to the Corporation of Coventry a large property, to be eventually shared by the Corporations of Northampton, Leicester, Nottingham and Warwick, in trust partly for poor Freemen and partly for the purpose of making loans to enable young tradesmen to start in business. This was the origin of the "Four Pounds" gifts, and the "City Fifties" loans. By 1692 this property had grown enormously in value, and a quarrel in Coventry led to proceedings which revealed a series of corrupt practices (beneficial leases to individual trustees, large fines taken by the Corporation for its own use, etc.). In the course of the prolonged litigation that ensued, the Coventry Corporation bought off the other Corporations (in the "Lutterworth Agreement," subsequently quashed as "very vile and corrupt") by large payments for their own use. Finally, in 1723, the Court of Chancery recovered by sequestration a large part of the defalcations, and left the property in trust with the Corporation, under strict regulations; which did not, we fear, avail to secure honesty (*The Case of the Corporation in Sir Thomas White's Estates*, 1702; *An Account of the Many and Great Loans, Benefactions, and Charities belonging to the City of Coventry*, 1733; *Parliamentary Representation of Coventry*, by T. W. Whitley, 1894, p. 123; *Coventry, its History and Antiquities*, by B. Poole, 1870, p. 302; *History and Antiquities of Reading*, by C. Coates, 1802, p. 407).

[2] "That the said Mr. C. C. whilst Mayor procured an Order of the Council House to be made (or pretended so to do) that the Corporation should grant and convey to him and his heirs in fee farm at a very small yearly rent and no other consideration a house and garden in Coventry near to his own dwelling, worth annually ten times more than the rent pretended to be reserved, without ever consulting or advising if the Corporation had title or power to grant. That also whilst he was Mayor, he without any Order or consent of the Corporation, not only pulled down and took from the wall of the Corporation . . . round the said City many hundred cartloads of very good paving stone of great value . . . also took boards and timber from the School-house and other places belonging to the Corporation, and made use of the same in his own buildings without rendering any account or paying for the same" (MS. Records, Corporation of Coventry, 10th February 1728).

The Mayor, Burgesses, and Commonalty of the City of Bristol

To the historian of local government, the rise of the Municipal Corporation of Bristol[1] between the tenth and the seventeenth century ought, we think, to be of special interest as exemplifying all the factors and all the stages in the constitutional development of the English Borough. It begins, as usual, in the Manor. "The root of Municipal life at Bristol," says its most modern historian, "is to be looked for in the Court Leet and the holders of burgage tenements. . . . They had their own Courts, presided over by the Reeve, but constituted by their attendance as tenants of the Lord, whom the Reeve represented both in fiscal and judicial matters." From this condition the community gradually rose to complete autonomy, though, curiously enough, "no single date can be assigned to the advance from a Reeve appointed by the Lord, to a Mayor chosen by the governing body of the town."[1] It is not our business here to recount the romantic story of the growth of municipal freedom in the fortified Manorial Borough on the Avon, dominated for centuries by the Lords of Berkeley on the one side, and by the castle of the King on the other; its Burgesses taking part almost continuously in the struggles between Baron and King, and in the wars of rival pretenders to the throne. Already by 1373 they had attained the most complete measure of Municipal self-government, securing, first among provincial Boroughs, the full jurisdiction and status of a Corporate County.[2] Throughout these political turmoils, the Burgesses of Bristol had evolved, in the management of their industrial life, an unusually large amount of gild organisation. In the voluminous and well-preserved archives of the Corporation, the student

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[1] For Bristol we have been able to use the extensive MS. archives of the Corporation, including the Minutes of the Common Council, the City Sessions of the Peace and the Street Commissioners, together with those of the Corporation of the Poor. We have also found useful the files of the *Bristol Journal*, *Bristol Gazette*, *Bristol Observer*, *Bristol Mirror*, and *The Bristolian*. Lists of the numerous books and pamphlets are given in the *Bibliography of British Municipal History*, by Dr. C. Gross, 1897, pp. 177-181; they fill an entire volume (vol. iii.) of *The Bibliographer's Manual of Gloucestershire Literature*, by F. A. Hyett and W. Bazeley, 1897. We may mention, in particular, besides the histories of W. Barrett (1789), J. Corry and J. Evans (1816), Samuel Seyer (1821-3), James Dallaway (1834), G. Pryce (1861), J. F. Nicholls and J. Taylor (1881-2), J. Latimer (1887-1903), Rev. W. Hunt (1887), and C. Wells (1902); the various papers by Mr. F. F. Fox and Mr. J. Latimer on the Bristol Gilds; the edition of *Ricart's Kalendar*, by Miss L. T. Smith (Camden Society, 1872), and that of *The Little Red Book*, by F. B. Bickley, 1900; *The Transactions*

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of the Corporation of the Poor in the City of Bristol during a Period of 126 Years, by James Johnson, 1826; *Bristol Town Duties*, by Henry Bush, 1828; and *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-6. The material afforded by the First Report of Municipal Corporation Commission, 1835, vol. ii. pp. 1151-1228, is less precise and complete than is usual in that valuable collection. On the other hand, the *Transactions of the Bristol and Gloucestershire Archæological Society* and the *Proceedings of the Clifton Antiquarian Club* contain exceptionally important papers.

[1] *Bristol*, by Rev. William Hunt, 1887, pp. 43, 55, 57.

[2] The Borough of Bristol in the twelfth century was entirely on the Gloucestershire side of the Avon. In the thirteenth century three parishes on the opposite shore, situated in Somersetshire, were incorporated with it. In 1373 Edward III. conferred upon the Borough, by Charter confirmed by Act of Parliament (47 Edward III.), the status of a County, taking it out of the jurisdiction of Gloucestershire and Somersetshire. For the purposes of the Lieutenancy, the City was associated with Gloucestershire, the Lord-Lieutenant for that County being also described as of the City of Bristol.

may study, in an exceptionally well-developed example, the interaction of Municipality and Gild, with their combined regulation of every detail of civic life. And, as we shall see, the Bristol Corporation was, during the eighteenth century, no less typical in its disintegration and decay. Thus, if we had been compelled, in our analysis of the evolution of a Municipal Corporation, to restrict ourselves to a single example, we know of none outside the City of London, which would so completely and so elaborately have illustrated, at all the successive stages, every factor, and nearly every incident, of the common story.

At the accession of William and Mary, the "Mayor, Bailiffs and Commonalty of the City of Bristol," exercising sway in what had become "a very great trading city . . . the largest next London,"[1] claimed the premier place among the Close Corporations of England, in respect alike of the range and variety of its jurisdictions, the number and wealth of its citizens, and the political and commercial importance of the densely crowded streets and busy haven subjected to its rule. But, unlike Coventry, Bristol enjoyed at that date few of the amenities of a provincial capital. Its steep and tortuous alleys, darkened by innumerable hanging signs,[2] contained but few buildings of architectural distinction. Compared with the neighbouring cathedrals of Gloucester, Wells, Worcester, and Hereford, or even with the ecclesiastical and charitable edifices of Coventry, the largest and best of the Bristol churches cuts but a poor figure. The "average breadth of the busiest streets," we learn, "was under twenty feet,"[3] whilst the ground was honeycombed by the extensive cellars which had been constructed for the storage of the traders' wares.[4] This gave a distinctive characteristic to the traffic of the Bristol streets. "If a coach or cart entered those alleys, there was danger that it would be wedged between the houses, and danger also that it would break in the cellars. Goods were therefore conveyed about the Town almost exclusively in trucks drawn by dogs,"[1] or, if horse-drawn, moving, not on wheels, but on long runners which smoothed even to a high polish the stones with which all the thoroughfares were paved.[2] The houses were all of timber and plaster, roofed with thatch.[3] For nearly a century after the Revolution great numbers of pigs continued to wander about the streets, whilst the City maintained an unpleasant notoriety also for its hordes of professional mendicants.[4] Its most striking feature was the Bridge over the Avon, flanked, like London Bridge, by tall houses on both sides of the narrow passage way,[5] along which, in 1733, poured two continuous streams of traffic, "seamen, women, children, loaded horses, asses, and sledges with goods, dragging along together without posts to separate them." From Bristol Bridge the eye travelled to the shipping in the river, left dry at low tide, and thus appearing, between the two walls of houses along the quays, as if the "hundreds of ships, their masts as thick as they can stand by one another," formed "a long street full of ships," which struck Alexander Pope in

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[1] *Through England on a Side-Saddle . . . Diary of Celia Fiennes;* edited by the Hon. Mrs. Griffiths, 1888, p. 200. The population does not seem in 1689 to have exceeded 30,000.

[2] Not until 1788 were these overhanging or projecting signs put down (by Local Act, 28 George III. c. 65).

[3] *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 3.

[4] "Notes on Old Bristol Houses," by T. S. Pope, in *Proceedings of the Clifton Antiquarian Club*, vol. i., 1888, pp. 172-4; *Antiquities of Bristol*, by James Dallaway, 1834.

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[1] "Great Towns and their Public Influence, Bristol," by a Sexagenarian, in *Gentleman's Magazine*, New Series, vol. xiii., 1874, pp. 293-4.

[2] The fact that there were no carts to be seen "in their streets, but all sleds," was noticed by visitors in 1568 (*The Particular Description of England*, by William Smith, edited by Wheatley and Ashbee, 1879, p. 34), and 1695 (*Through England on a Side-Saddle . . . Diary of Celia Fiennes*, edited by Hon. Mrs. Griffiths, 1888, p. 200). By order of the Common Council of 1615, no cart having wheels bound with iron was allowed to enter the City (*Bristol Past and Present*, by J. F. Nicholls and J. Taylor, vol. i., 1881, p. 278). "No cart is suffered in the streets of Bristol for fear of damaging the pavement" (*Travels of Tom Thumb over England and Wales*, 1736, p. 23). "They draw all their heavy goods here on sleds or sledges, which they call 'Gee-hoes,' without wheels. This kills a multitude of horses; and the pavement is worn so smooth by them that in wet weather the streets are very slippery, and in frosty weather 'tis dangerous walking" (*A Tour through the whole Island of Great Britain*, by D. Defoe, vol. ii. p. 314 of 1748 edition). The use of iron in these sledges was forbidden in 1705 (MS. Minutes, Corporation of Bristol, 12th December 1705). The employment of packhorses, and of sledges instead of wheeled vehicles, was not entirely abandoned at Bristol until the beginning of the nineteenth century (*Bristol*, by Rev. W. Hunt, 1887, p. 176).

[3] "The first brick building in the City" was erected in 1699 (*Memoirs of Bristol*, by S. Seyer, 1823, vol. ii. p. 546). Not until 1703 was the use of thatch forbidden.

[4] *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, pp. 3-4.

[5] "The Chapel of the Assumption on Bristol Bridge," by A. E. Hudd, in *Proceedings of Clifton Antiquarian Club*, vol. iv., 1897, p. 1; *Memoirs of Bristol*, by S. Seyer, 1823, vol. ii. pp. 34-43

1733 as "the oddest and most surprising sight imaginable."[1] The dominant note of the place was a not over-scrupulous commerce with Africa and America, in which all classes participated.[2] "The passion for colonial traffic was so strong that there was scarcely a small shopkeeper in Bristol who had not a venture on board of some ship bound for Virginia or the Antilles."[3] It seems as if the citizens of Bristol had become so completely absorbed in extending their profit-making transactions as to be unable to spare time or money either to religion or to increasing the amenities of their City.[4]

The successive revolutions of the Commonwealth and the Restoration, with the surrender and re-grant of Charters under Charles II. and James II., had left the exact constitution of the Corporation in a state of peculiar uncertainty.[5] But whatever may have been in 1689 the legal effect of the long series of Charters and other instruments, in the number and variety of which Bristol came second only to the City of London itself,[1] we find practically the whole power and authority of the Corporation at that date concentrated in the hands of the Common Council. This was a Close Body of forty-three persons (inclusive of the Aldermen and of the Mayor and Sheriffs for the time being), which filled vacancies in its own membership by simple co-option. It was the Common Council that annually elected one of its own members as Mayor, and two others of its own members as Sheriffs for the ensuing year, and thus controlled the whole executive work. It was the Common Council that administered the valuable Corporate property, yielding nearly £3000 a year, and collected the not less lucrative Town Dues and Mayor's Dues paid by all the ships that entered the port.[2] It was the Common Council that governed the markets and fairs. It was the Common Council that managed the navigation of the port, that appointed the Haven Master and the Water Bailiff, and that exercised the conservancy of the river. It was the Common Council that looked after the sled-worn pebble causeways of the City; that organised the scavenging; that kept up by fountains and wells the scanty water supply; and that enforced the householders' obligation of putting forth the lanterns by which alone the streets were lighted.[1] It was the Common Council that rebuilt "Newgate," that managed this and "Bridewell," the two City prisons, that fed the prisoners, and that, until 1696, even "set to work" the destitute poor. It was the Common Council that managed the ancient grammar school for which it held a small endowment,[2] and that even administered a library presented to the City in 1613.[3] Finally, it was the Common Council that appointed practically all the officers of the Corporation, of whom there was an exceptionally large and picturesquely designated staff. To this all-powerful and all-embracing governing council there was, in the Bristol of 1689, practically no rival. The Freemen of the City, a numerous body, recruited by Birth, Apprenticeship and Marriage, as well as by purchase or co-option, had lost any influence in the Corporation that they may possibly at one time have exercised,[4] and, unlike the Freemen of Coventry, had no common pastures or other perquisites over which to quarrel. The Merchant Gild, which may at one time have exercised the powers of Municipal government, had long since passed away; or was represented only by Companies which no longer controlled the Corporation, and had, by 1689, lost nearly all their influence. By the middle of the eighteenth century such of them as survived at all, had sunk into mere convivial societies, clinging to remnants of property,[1] with the one exception, however, of the Society of Merchant Venturers, to be subsequently alluded to, which remained a powerful body of wealthy magnates, largely made up of members of the Corporation, with which it usually acted in concert.

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[1] Pope to Mrs. Blount, 1733, in *Gentleman's Magazine*, September 1807, vol. lxxvii. p. 802.

[2] In its early days Bristol had been noted for its white slave traffic, unfortunate captives being shipped to Ireland and elsewhere. In the seventeenth century, if we may believe the chroniclers, the traffic in criminals (who were shipped to the plantations and sold as indentured servants) led to serious abuses. "It is remarkable," writes Roger North, "that there all men that are dealers, even in shop trades, launch into adventures by sea, chiefly to the West India Plantations and Spain. A poor shopkeeper that sells candles will have a bale of stockings or a piece of stuff for Nevis or Virginia, and rather than fail they trade in men, as when they sent small rogues taught to pray for (and who accordingly received) transportation, even before any indictment actual[ly] found against them" (*Life of Lord Guildford*, by Roger North, 1742, p. 121).

[3] "Great Towns and their Public Influence, Bristol," by a Sexagenarian, in *Gentleman's Magazine*, New Series, vol. xiii., 1874, p. 294.

[4] "The City of Bristol," said Pope on visiting it in 1733, "is very unpleasant, and no civilised company in it. . . . The best image I can give you of it is, 'tis as if Wapping and Southwark were ten times as big, or [as if] all their people ran into London. Nothing is fine in it but the square . . . and the quay" (Pope to Mrs. Blount, in *Gentleman's Magazine*, September 1807, vol. lxxvii. p. 803).

[5] "Certain it is that between this restoral and the Charter of Queen Anne, A.D. 1710, the Burgesses did not act upon Charles II.'s Charter; some of them refused to serve on the Council, and their fellow-burgesses did not attempt to enforce the fines" ("Ancient Charter Privileges of Bristol Freemen," by J. F. Nicholls; in *Transactions of the Bristol and Gloucestershire Archæological Society*, vol. iii., 1878-9, p. 275). In 1708 we find a committee of the Common Council recommending that a Charter of confirmation be obtained in order to insert some explanatory clauses which would put the means of election of Common Councilmen and other officers into a "more regular and certain method," and that a more effectual method might be set down to compel Common Councilmen and officers to take upon them the said offices (MS. Minutes, Corporation of Bristol, 6th September 1708).

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[1] No fewer than eighty-nine separate Charters or other Royal grants to the Corporation of Bristol are recorded, from 1172 to 1710 (*Charters and Letters Patent granted by the Kings and Queens of England to the Town and City of Bristol*, by S. Seyer, 1812; "The Early Bristol Charters and their Chief Objects," by J. F. Nicholls, in *Transactions of Royal Historical Society*, vol. i., 1875, pp. 88-95); whilst between 1373 and 1835 the City and County were the subject of fifty-eight Acts of Parliament (First Report of Municipal Corporation Commission, 1835, vol. ii. pp. 1225-1227).

[2] The lucrative Town Dues and Mayor's Dues (whether originally customs duties, murage, quayage, or pavage) had been taken by the Corporation from time immemorial. Towards the end of the eighteenth century the successful rivalry of Liverpool led to a steady decay of Bristol trade, which was aggravated by what were alleged to be heavier charges (from which the Freemen were exempt) than those levied at other ports. For half a century the Common Council refused to listen to any proposal to reduce the rates. At length, in 1825, in face of falling revenue and financial embarrassment, the Common Council gave way to the importunities of the newly established Chamber of Commerce, and obtained a Local Act (6 George IV. c. 201) establishing its dues on a statutory basis at about two-thirds their former level—an impost which was still denounced as destructive of the trade and prosperity of the port (MS. Minutes, Corporation of Bristol, 1775-1825; *Letters on Impediments to the Trade of Bristol*, by Cosmo [J. M. Gutch], 1823; *A Small Token of Admiration at the Talents and Acquirements of the Corporation of Bristol*, by Two Schoolmasters, 1824; *Bristol Town Duties*, by Henry Bush, 1828; *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-6; First Report of Municipal Corporation Commission, 1835, vol. ii. pp. 1213-1222).

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[1] By Corporation Order of 1660.

[2] "The Free Grammar School of Bristol," by J. F. Nicholls, in *Transactions of Royal Historical Society*, vol. i. 1875, pp. 204-217.

[3] MS. Minutes, Corporation of Bristol, 1738, 1740, 1743; *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 210.

[4] The Bristol Freemen had the right to trade within the City, and, what was of more lasting importance, the right, concurrently with the forty shilling freeholders, to vote for the two Members of Parliament that the City and County sent to Westminster. Whether they had ever chosen the Mayor or any other officers (except perhaps during the turbulent Municipal insurrection of 1313), or had, like the Freemen in so many other Corporations, ever met in Common Hall, does not appear to be clear. From the fifteenth century, at any rate, the Freemen, as such, do not appear to have had any participation in the Corporate administration. The Corporation enforced, down to the middle of the eighteenth century, the Freemen's monopoly of trade, but rather with the object of compelling "foreigners" and other unapprenticed persons to purchase their freedom, than that of excluding them. Down to the middle of the eighteenth century, we notice, in the proceedings of Quarter Sessions, frequent prosecutions of this kind, which are always taken under the Statute of Apprentices, not under any local custom or By-law (*e.g.* MS. Sessions Book, 20th June 1748). After this date such entries cease to appear. By 1792, it could be confidently stated in the *New Bristol Directory* of that year that (except in the cases of publicans, pilots, brokers, attorneys, and others requiring licences from the Common Council) "all kinds of persons are free to exercise their trades and callings here without molestation from the Corporation." The Freemen remained, to the last, exempt from the Town Dues of Liverpool, as well as from those of their own City; and they were exclusively eligible for several of the numerous endowed charities (First Report of Municipal Corporation Commission, 1835, vol. ii. p. 1163). From 1754 onward they were admitted in great batches before successive general elections, the fees being found by the Parliamentary candidates. By 1832 there were over five thousand of them.

Within the Common Council, as at Leeds and Coventry, we find a bench of Aldermen, who at Bristol were twelve in number, and who were all clothed with the powers of Justices of the Peace throughout the whole City, though each was assigned, for other than magisterial business, to a particular Ward.[1] But the Aldermen of Bristol differed from those of Leeds and Coventry and resembled, as we shall see, those of Norwich and London, in having also their own separate sessions as a Court of Aldermen, in which they exercised certain powers of their own. At Bristol it was the Court of Aldermen that filled any vacancy among the Aldermen, choosing, however, necessarily from among the Common

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[1] The Bristol Gilds or Trade Companies evidently played a great part in their day, and deserve more detailed investigation and more accurate comparison with those of Morpeth and Newcastle, Shrewsbury and Coventry, and Hull and London than they have yet received. The impression that we gather from the MS. Archives of the Corporation, from Mr. Bickley's edition of *The Little Red Book*, and from the various studies on particular companies of Mr. F. Fox and Mr. J. Latimer, is that, whatever may have been the position of the Merchant Gild, the Craft Gilds of Bristol were rather subordinate organs than constituents of the Corporation. At the end of the seventeenth century there seem to have been still a couple of dozen Craft Gilds in active existence, besides the ancient Society of Merchant Venturers, which, dating from 1467, represents an older Fellowship of Merchants, and may possibly be the direct descendant of the Merchant Gild. For the first half-century from this date we see the Craft Gilds continuing perfunctorily to regulate their trades, to enforce membership on "foreigners," to protest against this or that person whom they were "molesting" being made a Freeman by the Common Council (MS. Minutes, Corporation of Bristol, 2nd December 1702, 19th July 1704, etc.), and to exact fees for admission which began to be complained of as "exorbitant" (*ibid.* May 1732). In 1719 we find the Mayor and Aldermen settling the precedence, or order in which they shall walk in processions, of twenty-three Companies, which were probably all that were then in existence (*ibid.* 1719). As late as 1732 the Common Council enacted a new Ordinance for the Carpenters' Company, providing that no employer should take an apprentice without permission of the Court of the Company, and that the penalty for non-members exercising the craft was to be ten shillings per day (*ibid.* 1730). From about this date, however, the Companies evidently fell rapidly into decay. Complaints to the Common Council from the Innholders' Company (*ibid.* August 1734), and the Barbers' Company (*ibid.* May 1739) were referred to Committees which never reported. Though the Corporation continued for another generation to be "very tenacious in not admitting persons to trade in their Liberty who were not Freemen" (*A Tour through the Whole Island of Britain*, by D. Defoe, vol. ii. p. 308 of 1748 edition), it had already ceased to enforce membership of the Companies, took proceedings under the Statute of Apprentices rather than under local By-laws or customs, and insisted merely on non-apprenticed persons purchasing the freedom of the City. By the end of the eighteenth century even this had been abandoned, and we gather that nearly all the Companies were extinct. The Quay Porters (as in the City of London) continued to have an organisation, which was not a Gild or Company, but which still exercised some regulative functions.

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[1] The early history of the office of Alderman at Bristol is obscure. In the fourteenth century the Gilds had each one or more Wardens, Surveyors or Masters, who in the case of the pre-eminent Weavers' Gild were termed (as at Morpeth and Alnwick) Aldermen. There is nothing to show that these had any organic connection with the Municipal Corporation, and the numerous fourteenth and fifteenth century archives preserved in *The Little Red Book*, edited by F. B. Bickley, 1900, never refer to Aldermen as forming any part of the Corporate government. Yet the "Customs" of 1344 contain an enigmatical regulation that the Aldermen must be householders, and that no one can be chosen for Mayor who has not already been an Alderman (*ibid.* vol. i. p. 40). We do not know if this was intended to confine the Mayoralty to the leaders of the Weavers' Gild, or whether there existed at that date also Aldermen of another kind, as Mr. Hunt supposes (*Bristol*, by Rev. W. Hunt, 1887, p. 87). So far as we have seen, the first establishment of Aldermen as a part of the Corporation dates from the Charter of 1499, which added to the Mayor and Common Council a Court of six Aldermen, who were to have the powers of the Aldermen of the City of London, and of whom the Recorder was to be one, the other five being chosen in the first instance by the Mayor and Common Council, vacancies being subsequently filled by the Court of Aldermen. It seems as if these five Aldermen were then severally assigned to the five Wards. When in 1581 the number of Aldermen was increased to eleven (besides the Recorder), the number of Wards was also increased to eleven. The Castle Precinct, which had remained outside the jurisdiction of the Corporation until 1629, was made a twelfth Ward in 1696 (by 7 and 8 William III. c. 32); and was then placed nominally under the supervision of the Recorder, who ranked as the first Alderman, and for whom in this respect the Mayor for the time being acted. Thus, in 1706 it was expressly ordered by the Court of Aldermen "that the several Wards written after the names of the Mayor and Aldermen be under the care and inspection of each Justice of the Peace respectively" (MS. Minutes, Corporation of Bristol, 30th September 1706). The functions of the Alderman in his Ward appear to have been confined to presiding over public meetings, supervising the public-houses, levying the Watch rate, and hearing the summonses for unpaid Poor Rate. The Aldermen held no Courts in their Wards (though the Ward meetings to elect representatives to the Corporation of the Poor after 1696 were occasionally termed Courts) and did not sit as Justices in them. It is interesting that, as in the City of London and Coventry, each Alderman in the eighteenth century appointed one of the Common Councilmen to be his Deputy, but this fell into desuetude. Unlike those of the City of London, the Bristol Wards all coincided in area with the old parishes of the City and the ancient Precinct of the Castle.

Councillors, and in practice always from among those who had served as Mayor; it was the Court of Aldermen that summoned the Common Council to meet to elect a new Mayor, when a vacancy occurred by death;[1] and the archives reveal that it was the Court of Aldermen that fixed the number of alehouses.[2] Whether or not it is possible to trace in these functions of a separate Court of Aldermen the remnants of an earlier form of the constitution in which the "Mayor's Brethren" had once formed a distinct executive body, possibly superior in antiquity to the Common Council, we do not feel able to judge. What is clear is that, as the Mayor and all the Aldermen were Justices of the Peace, the meetings in Petty and Quarter Sessions at which they could exercise all the legislative, administrative and judicial powers of the County Justices soon overshadowed and gradually superseded their more ancient jurisdiction as a Court of Aldermen. What continued, however, was the habit of regarding the Mayor and Aldermen as forming an authoritative standing committee of the Common Council, to which the Council would remit such executive acts as fixing the number of watchmen, naming new streets, determining the places at which dunghills should be permitted, and fixing the boundaries between parishes.[3] We note, too, that at Bristol the

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[1] "Sir John Durtin, Knight, the Senior Alderman of this City, resident within the same (in the absence of Mr. Recorder) acquainted the Common Council of the death of Henry Bright, Esq., the late Mayor, on 22nd day of November last, on which occasion he and the rest of the Court of Aldermen had met and agreed that the Common Council should be assembled after the interment of the late Mayor which had been appointed for and took place on 28th November last. And that the Court of Aldermen had ordered summonses to issue in the name of him the said Sir John Durtin for the Common Council to meet at this time and place, in order to elect a Mayor for the remaining part of the current year in the room of the said Henry Bright, Esq. deceased" (MS. Minutes, Corporation of Bristol, 1st December 1807).

[2] *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 199. The number so fixed was 331, "exclusive of inns, wine-shops, and coffee-houses"; there being at that date 5701 private dwellings. It is, in fact, difficult to ascertain what, between 1689 and 1835, were regarded as the functions of the Court of Aldermen, as distinguished from those of the Justices in General Sessions. We hear, in 1789, of a meeting of the Court of Aldermen to consider a Bill in Parliament to extend the excise laws to the tobacco trade (*Bristol Journal*, 27th June 1789). In 1827 it is stated to be the Court of Aldermen that orders the criminal prosecution at the Assizes of a local editor who had spoken disrespectfully of the Magistrates (*Annals of Bristol in the Nineteenth Century*, by J. Latimer, 1887, p. 119).

[3] In 1718, for instance, the Mayor and Aldermen are . . . "desired

Mayor is a personage of exceptional influence. Within the City he claims precedence of every one save the King himself.[1] He not only summons the Council, prepares its agenda and presides over its deliberations, but also himself brings forward all important propositions and takes the lead in the various committees which the Common Council appointed. These committees, composed indifferently of Aldermen and Common Councillors, were already a distinctive feature of the Bristol Corporation at the end of the seventeenth century. At first appointed to report on particular questions, they gradually developed, in the course of the eighteenth century, into standing committees in charge of particular branches of the administration, such as the "Permanent Committee," a sort of general executive, the "Surveyors of the City Lands," the Markets Committee, and General Finance Committee.

The Mayor, Burgesses, and Commonalty of Bristol stood, in 1689, next to the City of London in the number of their Courts and in the multiplicity of their officers. The Court Leet, it is true, had been completely superseded by the old established Court of Quarter Sessions and by the frequent meetings of the Mayor and Aldermen, as Justices of the Peace, in Petty and Special Sessions. In 1689 there was still an active Court of Pie Powder dealing with the cases arising during the fourteen days of the annual fair, held regularly twice a day in the open street, the defendant pleading instanter, and the judgment being summarily executed. There was still nominally a Court of Admiralty, where inquiry was made of "thefts, frays, piracies," and of obstructions of the river, of false weights and measures, of wreck and of Royal fish; sufficiently alive in 1691 to resist successfully an attempt by the Crown to intrude a Vice-Admiral of its own appointment.[2] Other Courts passing into desuetude were the Court of the Staple and the Mayor's Court, of which we find mention in the archives. More important

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. . . to exert their authority to prevent all encroachments upon any of the streets or lanes of the City" (MS. Minutes, Corporation of Bristol, 26th March 1718).

[1] Sir R. Vyvyan, in Hansard, vol. xxix. p. 745 (1835).

[2] MS. Minutes, Corporation of Bristol, November 1690, and February 1691; *Annals of Bristol in the Seventeenth Century*, by J. Latimer, 1900, p. 460; First Report of Municipal Corporation Commission, 1835, vol. ii. p. 1177.

in 1689 was the no less ancient Sheriff's Court, or Tolzey Court—originally the Court of the Bailiffs of the Hundred, together, perhaps, with that formerly held by the Steward of the Royal Household—which gradually drew to itself the business of all the other civil Courts, and became, by the end of the seventeenth century, the principal local tribunal.[1] This was a Court of Record for all civil actions, with a jurisdiction unlimited in amount. It was, in 1689, held practically by a special officer of legal attainments, the Steward of the Sheriff's Court; though one of the Sheriffs was always present, and the processes of the Court were issued in his name. But the hankering after special Acts of Parliament which, as we shall see, characterised the Bristol Corporators in the eighteenth century, led to the establishment of two new civil Courts under statutory powers: a weekly Court of Conscience in 1689,[2] to be held before the Mayor and two members of the Common Council, who were in practice the two Sheriffs; and in 1813 a weekly Court of Requests, to help in the holding of which the Common Council appointed certain substantial householders as Commissioners.[3] To serve all these Courts, and to carry out the extensive administrative functions of the Common Council, there was an array of Corporation officials, great and small, paid and unpaid, from such personages as the Recorder, the Town Clerk, the Chamberlain, and the annually appointed pair of Sheriffs, down to such petty officers as the Bridge-keeper, the Sheriff's Yeoman, the Marshals to the Mayor, and the "Wait Players."

Such was the constitution of the Corporation of the City of Bristol, as it appeared to the citizens of 1689—a constitution differing little in form from those that we have already described at Coventry and Leeds. What was specific in the development of the Bristol Corporation between 1689 and 1835 was the number of Local Acts which the Corporation itself obtained, for the increase of its own functions, at the expense of rates to be levied upon the householders. This unusual statutory development seemed at one time likely to save the Corporation from the common fate of disintegration and decay. But, in the end, as we shall describe, the obtaining of these Local Acts by the Close Body, involving, as they always did, the levying of rates upon the householders, roused the citizens to opposition to the Corporation, and proved in the end its undoing.

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[1] "The Ancient Tolzey and Pie Poudre Courts of Bristol," by Sanford D. Cole, in *Transactions of Bristol and Gloucester Archæological Society*, vol. xxviii. 1905, pp. 110-123.

[2] 1 William and Mary, c. 18, 1689.

[3] 56 George III. c. 76; First Report of Municipal Corporation Commission, 1835, vol. ii. p. 1175.

The Bristol Corporation had already fortified itself and its privileges by more than one Act of Parliament before the seventeenth century, and during the Commonwealth it secured a further augmentation of its powers.[1] The Commonwealth Ordinances lapsed at the Restoration, but in 1689, after complaints had been made to the Privy Council of "the straitness and noisomeness" of the Bristol Newgate, the Common Council managed to procure an Act enabling it to erect a new gaol at the expense of the Bristol ratepayers.[2] In the same year, as we have seen, it was empowered to hold a statutory Court of Conscience.[3] In 1700 it smuggled into a Bill "for the better preserving the navigation of the rivers Avon and Frome," actually whilst it was passing through Parliament, clauses enabling the Corporation to levy a rate for "cleansing, paving, and enlightening the streets of the City of Bristol," in default of fulfilment of the householder's obligation.[4] In 1722 the Common Council obtained statutory power to build an Exchange in which the merchants could meet, in substitution for the ancient "Tolzey";[5] and in 1730 similar authority was sought and obtained to license (as in the City of London) all brokers, or persons making bargains of merchandise or moneys.[6] Nor did its powers over lighting, paving, and watching long content the Council. In 1738 it resolved, after a committee had been appointed in 1732 to devise a plan, to seek further Parliamentary powers to carry out lighting, paving, and watching as public services, at the cost of an unlimited rate.[1] This proposal excited, however, the most determined local opposition, in face of which the Bill had temporarily to be abandoned.[2] In 1748 the project was revived, and by once more combining it with a river navigation Bill, the Common Council managed, so far as paving and lighting were concerned, to get the additional statutory powers for which it craved.[3] There remained to be obtained the power to levy a rate for a force of salaried Watchmen, in substitution for the householder's obligation to keep in turn the Nightly Watch. This the Corporation tried to get in 1754-55,[4] when the proposal became the subject of an exciting Parliamentary struggle between the Whig and Tory factions in the City, concluding in a debate in the House of Commons in which the prevailing ignorance as to what was the form of government of the couple of hundred Municipal Corporations was illuminated by an exposition of the highest constitutional principles. The local Tories fiercely denounced the project of the Whig Corporation, representing that what the latter sought to obtain was "a power unconstitutional and unprecedented, as we humbly apprehend, in any similar instance; in plain terms, to raise an unlimited number of able men to be armed, ordered, and stationed within the City at their pleasure, with a levy of money on the citizens for their pay; and this power, great and dangerous as it is, may be granted to the Mayor and two of the Aldermen." There was no dispute as to the need for a salaried force of Watchmen in a city second only to London in population, but it was urged that it was objectionable to entrust the power of raising an organised force to Magistrates, who "by the unfortunate and singular form of government established in the

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[1] See, for instance, that of 1650, empowering the Mayor and Aldermen to consolidate all the parishes of the City, and levy a rate of eighteenpence in the pound on all hereditaments, and five shillings on every £100 of stock, for the maintenance of the preachers (*An Apology for the Clergy*, 1712; *Bristol Past and Present*, by J. F. Nicholls and J. Taylor, vol. iii. 1882, pp. 28-30).

[2] MS. Register, Privy Council, 15th and 22nd March 1682; 1 William and Mary; *Annals of Bristol in the Seventeenth Century*, by J. Latimer, 1900, p. 446.

[3] 1 William and Mary, sess. 1, c. 18.

[4] 11 and 12 William III. c. 23; *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 37.

[5] MS. Minutes, Corporation of Bristol, 16th January 1717; House of Commons Journals, 4th December 1720; House of Lords Journals, 25th January 1721; 8 George I. c. 5; *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, pp. 118, 180.

[6] 3 George II. c. 31.

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[1] MS. Minutes, Corporation of Bristol, 10th February 1732, 10th February 1738, 22nd December 1739.

[2] *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, pp. 217-18.

[3] MS. Minutes, Corporation of Bristol, 14th December 1748; House of Commons Journals, 7th February 1749; 22 George II. c. 20.

[4] MS. Minutes, Corporation of Bristol, 22nd May 1754.

City of Bristol . . . are quite independent of their fellow-citizens either as to their being chosen into office, or as to their continuance in power after being chosen." But this, as we are now aware, was no singularity of the Corporation of Bristol. What was more exceptional was that the Corporation was Whig. It was therefore argued by the Bristol Tories that to entrust the maintenance of a salaried police force to an unrepresentative authority was to deprive the people of their constitutional freedom; whilst to give to the Mayor and Aldermen the power to "appoint what number of watchmen they please," to "station those watchmen at what places they please," and to "load the citizens with what taxes for the purpose they please," was "inconsistent with the liberties of the people." An amendment was accordingly moved, providing that the control of the Watch should be vested in trustees to be elected by the inhabitants. Such a principle, however, cut at the root of the authority of all the Municipal Corporations; and it was represented as calculated to "be of most pernicious consequence." It was said that "it would be setting up an imperium in imperio," and would in effect be depriving the Magistrates of their control over the Constables. Finally, the constitutional question brought up no less a debater than William Pitt to expound, from Roman history and from the example of Oliver Cromwell, "the fatal consequence of entrusting the executive power of a government in the hands of the people." If the existing Magistracy of Bristol were to misuse any of its powers, he argued, a Bill could at once be brought in for some proper alteration of the City government. "This alone," he said, "is with me sufficient argument for not giving myself much trouble about the form of government established in any of our Cities and Boroughs." This somewhat indolent acquiescence in the existing political structure was accepted by the House of Commons, and the Bristol Corporation once more got the statutory powers that it desired.[1]

But the Common Council was not yet contented. Paving, lighting, watching and cleansing the streets, and the erection and maintenance of the prisons were all now in the hands of the Corporation, at the expense of rates levied on the householders. There were still to be obtained statutory powers of suppressing nuisances, of regulating the construction of new buildings, of widening and improving the streets, of making regulations against the outbreak of fires, of licensing hackney coaches, and many other regulative powers. All these the Common Council managed to acquire for the Corporation between 1760 and 1800 by successive Local Acts.[1]

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[1] Parliamentary History, 15th January 1755; House of Commons Journals, 15th and 17th January, 5th and 13th February 1755; House of Lords Journals, 20th February 1755; *Transactions of the Corporation of the Poor*, by J. Johnson, 1826, pp. 120-22.

But although at Bristol, to a greater extent than in any other town outside the City of London, the Municipal Corporation managed to fortify its position and authority by new statutory powers, it did not prevent the establishment of rival public bodies with independent rights of taxation and expenditure. Already in 1696 the energy and perseverance of John Cary, a public-spirited Bristol merchant, had succeeded in persuading Parliament to set up, for the management of the whole business of poor relief, a distinct "Corporation of the Poor of the City of Bristol." In this body the Mayor and Aldermen sat *ex officio*, but what gave it strength and authority was the annual election of forty-eight members by all the householders of the City, assembled at public meetings of their several Wards. The new Corporation of the Poor acted for some time in unison with the Common Council; at first, in fact, almost under the direction of the Mayor and Aldermen. Within a decade, however, these had quarrelled with the elected members, and had ceased to attend except very occasionally.[2] The two bodies thenceforward acted almost invariably in opposition to each other. The Common Council was strongly Whig in politics, and remained throughout the whole of the eighteenth century predominatingly of the same political complexion. The Ward meetings of the Bristol ratepayers elected, however, to the Corporation of the Poor from the outset High Churchmen and Tories, and this continued to be the case until the latter part of the eighteenth century.[1] This political divergence brought the two bodies into frequent conflict. In 1755, as we have seen, it was the Corporation of the Poor that fomented the opposition to the Watch Bill promoted by the Common Council. The Mayor, Burgesses, and Commonalty, it declared, "notwithstanding such their specious style, are in no respect the representatives of the citizens and inhabitants, nor to be considered otherwise than as three-and-forty individual persons—had they all attended, which they did not." The elected members of the Corporation of the Poor, on the other hand, as they assured the House of Lords, "look on themselves . . . as the representative body of the inhabitants of Bristol, and as such" most earnestly prayed the House of Lords to thwart the designs of the Municipal Corporation.[2] When, at the beginning of the nineteenth century, the Common Council became violently Tory, the elective Corporation of the Poor had become predominantly Radical and Nonconformist, and the rivalry between the two bodies was even more acute. In 1818 the Corporation of the Poor flatly refused to make certain payments ordered by the City Magistrates, "until the Corporation should prove that it possessed no funds applicable to such purposes, or that they were insufficient. The Magistrates upon this indicted the Corporation of the Poor twice for disobedience to the order, but on each time the Bill was thrown out by the Grand Jury; and the Corporation of the Poor, justly irritated at these hostile proceedings, filed a Bill in Chancery to compel a discovery of the City funds."[3]

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[1] 6 George III. c. 34 (widening streets, etc.); 14 George III. c. 55 (street improvements, etc.); 16 George III. c. 33 (fire regulations); 25 George III. c. 95 (street improvements, etc.); 28 George III. c. 65 (encroachments, hackney carriages, markets, etc.); 28 George III. c. 66 (building regulations); 28 George III. c. 67 (rebuilding Council House, etc.); 34 George III. c. 111 (improvements).

[2] It was in 1705 that the attendance of "the Magistrates" ceased (*Transactions of the Corporation of the Poor*, by J. Johnson, 1826, p. 68).

The Common Council failed, in fact, to maintain its policy of concentrating in its own hands all the powers of local government. It had to join with the Justices of the neighbouring Counties in a Turnpike Trust which for more than a century controlled all the approaches to the City. When, in the middle of the eighteenth century, the demand for a better bridge across the Avon became irresistible, the Common Council's plan of doing the work at the cost of a coal tax and wharfage dues was rejected in favour of a bridge toll. The Corporation, which had for a whole generation dallied with the question, had then to share the new statutory authority with other persons named in the Act;[2] and though the Bridge Trustees thus incorporated were largely under the influence of the Mayor and Aldermen, their separate existence and independent organisation helped to weaken the position of the Municipal Corporation.[3]

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[1] Parliament even insisted, in 1714, in introducing into the amending Act of that year (12 Anne, c. 15) a clause requiring the sacramental test. This was repealed in 1718 (4 George I. c. 3), but the Churchwardens and Select Vestries took every care, "as much as in them lay, not to return any persons as Guardians who were not members of the Church of England" (*Transactions of the Corporation of the Poor*, by J. Johnson, 1826, p. 138).

[2] *Ibid.* p. 121.

[3] *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-36: *Transactions of the Corporation of the Poor*, by J. Johnson, 1826, pp. 57-59.

In a more serious enterprise than the Bristol Bridge the Common Council also yielded its position to a new authority. At the close of the eighteenth century, the growing trade of the port had long been hampered by the lack of proper dock accommodation, which the Corporation of Bristol, unlike its great commercial rival, the Corporation of Liverpool, had failed to provide. The Society of Merchant Venturers[4] had formed

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[1] MS. Minutes, Corporation of Bristol, 1726; 4 George II. c. 22; *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, pp. 156, 274, 406, etc.

[2] MS. Minutes, Corporation of Bristol, 13th August 1712, 28th October 1758, etc. The Act was not passed until 1760 (House of Commons Journals, 25th January, 22nd February, and 22nd March 1760; 33 George II. c. 52); and the new bridge, replacing the picturesque one covered with tall timber-frame houses, was not opened until 1768 (*Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 335).

[3] The Bridge Trustees became unpopular owing to their secrecy and their supposed arbitrary desire to continue the tolls beyond necessity. This led to serious riots in 1793, which were only suppressed after the troops had fired on the mob (*An Impartial History of the late Disturbances in Bristol*, by John Rose, 1793; *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-36; *Bristol Past and Present*, by J. F. Nicholls and J. Taylor, vol. iii. 1882, pp. 217-19; *Bristol*, by Rev. W. Hunt, 1887, p. 201).

[4] The Society of Merchant Venturers, which grew out of a "Fellowship of Merchants" of the fifteenth century, and received a Charter from Edward VI. in 1552, was refounded in 1605, from which date alone its continuous records exist (*History of the Society of Merchant Venturers of the City of Bristol*, by J. Latimer, 1903, p. 63). It appears to have been a community of traders to foreign parts, confined to Freemen of the City, making its own regulations, and subject to the control of the Corporation. Admission to membership was by birth, apprenticeship, or co-option. In 1689 its hundred or so of members were almost entirely merchants, and they seem to have included nearly all the leading residents of the City. From the very beginning of the seventeenth century, the Society had "farmed" from the Corporation, at an annual rental, the anchorage and wharfage dues which that body claimed *ab antiquo* to levy on the shipping. This "farm" or lease was renewed in 1661, 1690, 1712, and (for 99 years) in 1764. Out of the proceeds of the dues the Society

a floating dock at Clifton, which timber ships were compelled to use, but which in no way sufficed for the trade. Project after project was put forward by individual merchants and bodies of promoters, always to be met with opposition too strong to be overcome. At length it was resolved to convert the whole bed of the Avon and the Frome for a mile-and-a-half into one great dock. The Municipal Corporation might, even to the last, have taken this great enterprise into its own hands. "According to the original draft of the Bill, approved by the Common Council, the Corporation estates were made liable for the payment of one moiety of the interest of the intended loan of fifty thousand pounds. The Court of Aldermen, however, denounced the proposed mortgage as unjust and dangerous, and after the Bill had passed the Commons, a successful appeal was made to the Upper House to strike out the provision."[1] As passed, the Act constituted the Bristol Dock Company a separate body, the Corporation appointing, however, one-third of its directors, the Society of Merchant Venturers one-third, and the shareholders the other third. The Company acted from the outset as an independent authority, and only four years after its establishment we find it trying to obtain from Parliament an amending Act without even letting the Common Council know of its intentions.[2]

rebuilt the quays, erected cranes, and provided for the government of the pilots and the quay-porters. In 1807 the position was legalised by an Act of Parliament (47 George III. c. 33) obtained at the joint request of the Society and the Corporation. By this time the Society had ceased to be wholly, or even mainly, composed of merchants, or even of residents in Bristol. It had become merely a society of wealthy men, largely interconnected by family relationships, including among them more than a third of the members of the Common Council, and predominantly of commercial interests. It had long abandoned any authority over other merchants, but it was the proprietor of considerable estates, the trustee of valuable charities, and its members still considered themselves incorporated for the purpose of watching any public proceedings relative to the port and trade of the City.

[1] *Annals of Bristol in the Nineteenth Century*, by J. Latimer, 1887, p. 14.

[2] *Ibid.* pp. 15-16. The cost of the dock works was found to have been greatly under-estimated. Additional Acts were obtained in 1806 (46 George III. c. 35), 1808 (48 George III. c. 11), and 1809 (49 George III. c. 17). By 1832 the Dock Company had a revenue from dues of more than £23,000 a year, which considerably exceeded that of the Corporation (First Report of Municipal Corporation Commission, 1835, vol. ii. pp. 1205-1208). In 1848, in order to save Bristol from the fate of Bruges, the Dock Company was bought out by the Town Council, the charges were greatly reduced, and extensive improvements were effected. In 1884 two new docks that had been built at Avonmouth and Portishead were also bought up, and the whole port

A few years later the Corporation let the business of rebuilding the gaol pass out of its hands. The state of the Bristol "Newgate" had long been a scandal; and in 1792 the Common Council obtained from Parliament—it was said, by surprise—power to erect a new gaol and to levy a new rate for the purpose. This roused a storm of opposition among the citizens, in face of which the Common Council thought it prudent to let the Act expire without acting upon its provisions.[1] For another generation the horrors of the Bristol Newgate were allowed to continue. At length, in 1815, a body of citizens, in default of action by the Common Council, actually promoted a Bill in Parliament to build a new gaol at the expense of a rate upon the City, under the management of representatives of the citizens. This measure was naturally opposed by the Corporation, which wrote secretly to the other Municipal Corporations of the Kingdom, praying their assistance to resist a proposal so subversive of all Corporation authority. These appeals were made public in the House of Commons, to the discomfiture of the representatives of the Bristol Common Council, which persisted in its unwillingness to undertake the work. In the end a compromise was come to. The Corporation allowed the Bill to proceed, and admitted its liability to maintain the prison. The promoters absolutely refused to entrust the rebuilding to the Magistrates or to the Common Council. What was eventually provided by the Act was the establishment of a new body of Gaol Commissioners, consisting of the Mayor and Aldermen *ex officio*, five members chosen by the Common Council, and three other persons representing the citizens. It was to this body, acting as an independent authority, that Parliament entrusted the rebuilding of the gaol, at the expense of a rate upon every house in the City.[2]

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from Bristol Bridge to the sea was once more brought under complete Municipal control.

[1] MS. Minutes, Corporation of Bristol, 10th March 1790, 8th June 1791, 14th March 1792; 32 George III. c. 82; *A Copy of Objections to the Bristol Gaol Act*, 1792; *The Reply of the Delegates . . . to the Report of the . . . Common Council*, 1792; *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 488; *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-36.

[2] 56 George III. c. lix. The Common Council insisted on appointing its own Visiting Committee, composed exclusively of its own members, notwithstanding a clause in the Act which provided for an independent Visiting Committee of five persons, not members of the Council, one being a clergyman

Even in the matter of paving and cleansing the streets, the Common Council found itself eventually unable to retain its control. In order to cope with the needs of a greatly enlarged city, with the ever-rising standard of efficiency,[1] additional powers of taxation and administration were indispensable. In face of the opposition of the Corporation of the Poor, in alliance with the constant objection of the inhabitants to any increased taxation, it was hopeless to seek the necessary powers for the Common Council itself. The Corporation was driven to acquiesce at last, like other Municipal Corporations, in the establishment of a separate body of Paving Commissioners to take over the duties of paving and cleansing, which the Common Council had hitherto kept in its own hands. In 1787, after a year's deliberation, it offered to consolidate the whole police and sanitary administration in a body of eighty-six Commissioners, composed half of its own members, and half of persons elected by the £20 householders, who were to be given the necessary extensive powers of taxation, regulation, and expropriation of property. Against this project the City rose in arms. "If the present Bills should pass into law," it was urged upon the citizens, "your liberty and property will be at the disposal of Gentlemen of the Corporation, who will be able to pull down the houses you have already built . . . you will be compelled to pay all the dues which they now illegally take from you. . . . And what is worse than all, they shut the doors of every Court of Justice against you but the very Court in which they themselves who oppose you, preside and sit to pass judgment upon you." "It is astonishing," declared another writer, "that the Whig Corporation . . . should engender such monstrous ideas."[2] The result was that

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and the other a doctor. It is characteristic of the disintegration of Municipal Government at Bristol that for several years both these Visiting Committees were appointed, and went on visiting the gaol separately, making inconsistent criticisms and recommendations which were entered in separate books.

[1] "The streets in this city are so ruinous owing to the badness of the pitching that they are not only very dangerous to passengers, but a disgrace to the police" (*Bristol Journal*, 29th October 1785).

[2] *Bristol Journal*, 10th and 17th March 1787, 12th and 26th April and 30th August 1788, 21st February 1789; *Bristol Gazette*, 9th November 1786, 1st March 1787, 3rd December 1789; MS. Minutes, Corporation of Bristol, 14th December 1785, 10th May 1786, 14th February 1787, 23rd February, 26th July, and 20th December 1788; House of Commons Journals, 15th March 1787, 7th February and 14th March 1788; *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 467.

all the proposals relating to paving and cleansing were abandoned, the Corporation contenting itself in the three Local Acts of 1788 with a moderate increase of its own powers of preventing obstructions and nuisances and the beginning of building regulations.[1] For another couple of decades Bristol struggled on without effective powers of paving or cleansing the streets, becoming by 1799 as filthy a town as any in England.

At last, in 1806, the Common Council managed hastily to smuggle through Parliament, before the citizens were alive to the fact,[2] an Act giving the necessary powers to a body of Paving Commissioners, who were to consist of the Mayor and Aldermen *ex officio*, together with two persons from each of the fifteen parishes and the Castle Precinct, to be chosen in each case by the Mayor and Aldermen out of ten persons elected by the householders of the parish or precinct. Notwithstanding the method by which they were selected, the Paving Commissioners so constituted at once took up an attitude of hostility, and by 1820, when they promoted a Bill to enlarge their own powers, they were at daggers drawn with the Common Council,[3] whose vehement opposition sufficed to prevent the measure passing into law. A few years later we see the Paving Commissioners retaliating by instigating an application to the Court of King's Bench to compel the Common Council to account to them for the Town Dues and Mayor's Dues, which the Corporation had for so many centuries taken for its own purposes, but which, it was now claimed, had been granted to the Corporation expressly for the purpose of maintaining the walls and causeways of the City.[4]

Thus we find, in the course of the century and a half, the functions of local government in Bristol split up and dispersed. Instead of the Mayor, Burgesses, and Commonalty, in Common

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[1] 28 George III. c. 65, 66, and 67.

[2] MS. Minutes, Corporation of Bristol, 30th April 1806; *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-36; *Bristol Observer*, 13th January 1820.

[3] *Bristol Observer*, 6th, 13th, and 20th January, 3rd, 10th, and 17th February, 4th and 11th May 1820; *Bristol Journal*, 22nd January 1820; *Bristol Gazette*, 3rd February 1820; *Bristol Mercury*, 7th and 12th February 1820.

[4] *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-36.

Council assembled, having all the services and all the authority concentrated in a single body, as was practically the case in 1689, we see the Common Council in 1835 surrounded by half a dozen distinct tax-levying authorities (besides the Society of Merchant Venturers and its modern rival the Chamber of Commerce[1]), towards all of which the Corporation found itself acting with more or less friction, which rose, now and again, to acute hostility.

The gradual disintegration of the authority of the Municipal Corporation of Bristol by the establishment of separate governing bodies for particular functions was accompanied, as in other Corporations, by the progressive exaltation of the authority and position of the Mayor and Aldermen, as distinguished from the rest of the Corporation. It was the Mayor and Aldermen who were *ex-officio* members of the other bodies, and thus participators in the influence and patronage of the Corporation of the Poor, the Bridge Trustees, and the Paving Commissioners. What was more important, it was to the Mayor and Aldermen, sitting as Justices of the Peace, that the Corporation of the Poor had to submit its estimates of annual expenditure and its proposals for loans. It was to them that all the accounts had to be submitted for audit. It was by them that the various rates were formally made. It was before them as Magistrates that all proceedings as to nuisances or offences against the By-laws of the Paving Commissioners, the Bridge Trustees, or the Dock Company had to be taken. It was the Mayor and Aldermen in Petty Sessions who appointed the Chief Constables and Ward Constables of the several Wards, and fixed for each Ward the number of Night Constables and Watchmen and their salaries; whilst it was to the Alderman of each Ward that the supervision and control of these twelve petty police forces were practically committed. If we remember that it was the Mayor and Aldermen who exercised also the great powers of

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[1] The Chamber of Commerce was established in 1823 by the merchants and traders who were discontented alike with the Corporation and the Society of Merchant Venturers, as exponents of the views and interests of the business men of the City. "It is notorious that the Corporation resented the establishment of the Chamber as a proceeding which trenched upon its local authority and importance" (*Letters on the Port and Trade of Bristol*, by a Burgess, 1834-36).

Justices in Quarter Sessions, we shall realise how completely it was "the Magistrates" of Bristol, as distinguished from the Common Council, who were, on the eve of the Municipal Corporations Act, the dominating influence in the City. It was, in fact, the Corporate Magistracy, from the Recorder presiding at Quarter Sessions down to the Alderman ruling over the Watch of his Ward, that excited the hostility of the reforming Bristol citizens of the nineteenth century—a hostility arising from "a long arrear of mistrust and suspicion,"[1] and culminating in the dreadful riots of 1831, when a considerable part of the City was reduced to ashes.

It is interesting to analyse from official records and contemporary literature the character of what we may term the Corporate Personality of the Mayor, Burgesses, and Commonalty of the City of Bristol between 1689 and 1835. The first characteristic that we notice is its chronic state of financial embarrassment. Except for a few years towards the close of the eighteenth century, the expenditure of the Corporation seems almost always to have exceeded its actual income.[2] This chronic impecuniosity, all the more remarkable because the Corporation retained to the last a valuable estate,[3] not only involved a constant wasting away of the Corporation's resources, but led also to the maintenance of the Town Dues at a level which drove away the trade of the port. The Common Council of Bristol proved itself, alike in respect of its landed estates, its markets, its ownership of the port, its conservancy of the river, and its tolls and dues upon shipping and trade, an exceedingly bad trustee for posterity. On the other hand, we find no evidence of peculation or malversation on the part of the members of the Corporation. Throughout the whole century and a half the records are free from traces of personal corruption. Nor do we, as at Coventry, find evidence of expenditure from Corporate funds on Parliamentary elections. The batches of Freemen who were created at nearly every election after 1750, like the pandemonium of rioting and bribery which periodically disgraced the City, were paid for by the Parliamentary candidates themselves; and in no way impaired the resources of the Corporation. When we remember the rising hatred of the Close Body, and the perpetual hostile criticism to which it was for more than half a century exposed, the absence of accusations, either of personal malversation or political corruption, may almost be held to prove a negative. On what, then, did the Corporation dissipate its resources? A certain amount was annually absorbed by the Courts of Justice, though these were largely maintained from their fees. Practically all the other public services performed by the Corporation were, as we have seen, gradually foisted on to the shoulders of the ratepayers. It is significant that, at Bristol, we notice hardly any of those donations by the Corporation, common in such Boroughs as Liverpool and Nottingham, to such optional public purposes as churches, schools, the widening of streets, the embellishment of the city, race meetings, or other popular festivities. What forces itself on our attention, from the Restoration right down to 1835, is what we can only describe as recklessly lavish housekeeping—a feature in which the Corporation of Bristol seems to have constantly emulated that of the City of London. It is impossible even to estimate the aggregate amount of money that the Common Council frittered away in ever-recurring extravagant dinners;[1] in the lavish consumption and generous gifts of wine for which the City was always distinguished;[2] in gorgeous liveries and expensive pomp of all kinds; in a stately "Mayor's Coach," modelled on that of the Lord Mayor of London, which cost over £700;[3] in State coaches for the two Sheriffs; in the erection of a Council

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[1] *Bristol Mercury*, 28th April 1828.

[2] The accounts were never published, but in 1832 the Common Council allowed a Committee to make known that the average ordinary income of the preceding seven years had been £15,474, and the expenditure £18,329 (*Annals of Bristol in the Nineteenth Century*, by J. Latimer, 1887, p. 180).

[3] In 1836 the new Town Council found it (including the markets and the capitalised value of the tolls and dues) worth by valuation no less than £395,772, against which the indebtedness was less than £100,000. No other Corporation but the City of London and Liverpool had such extensive resources.

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[1] In the year of starvation, 1800, when complaints were made of the luxurious expenditure of the Corporation, the Mayor announced that "the second course" at the Mansion House dinners would be given up! (*Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 532.)

[2] The following is a typical and constantly recurring item: "The House ordered that a present of wine be given to our two representatives, and that it be one hogshead to each of them" (MS. Minutes, Corporation of Bristol, 5th July 1700). So also we find "a butt of sherry to the Duke of Portland," who was High Steward (*ibid.* 12th December 1798).

[3] MS. Minutes, Corporation of Bristol, December 1751; *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 291.

House at an expense of £14,000; in a splendid "Mansion House" for the Mayor to inhabit, on which thousands and thousands of pounds were expended;[1] and, in the aggregate perhaps the most costly of all, on the annual salary granted to the Mayor for the time being, which ran up to as much as £2500 a year, besides substantial allowances, perquisites, and the keeping in repair of the expensively furnished Mansion House.[2] Yet, so extravagant was the Corporate housekeeping, that for all their allowances and perquisites there is every reason to believe that neither the Mayor nor the Sheriffs, nor even the Aldermen or Common Councilmen, made anything from their public offices, but were, on the contrary, considerably out of pocket by them.[3]

Another feature of the Bristol Corporation, not unconnected with that just described, was the difficulty which it at all times experienced in inducing some of the wealthiest and most reputable citizens to accept membership. This unwillingness to become a Common Councilman, with the liability of serving eventually in succession as Sheriff, Mayor, and Alderman, which we find ever since the Restoration,[4] is perhaps sufficiently to be accounted for, down to the end of the seventeenth century, by the fact that the Council was the scene of almost continuous factious intrigues, members perpetually denouncing each other as traitors to the King or betrayers of the Corporate Rights, with "much heats and contentions" degrading the Chamber and engendering "continual squabblings and heartburnings."[1] Under the House of Hanover the internal factions ceased, and the Council settled down into harmonious fellowship. But the disinclination to serve still continued, and we find throughout the eighteenth century a considerable number of refusals to accept office, and repeated proposals to obtain new powers of more effective compulsion than were afforded even by the substantial fines imposed.[2] In 1810, no fewer than fourteen gentlemen in succession refused to accept nominations as Common Councilmen, and application was actually made in 1813 for a supplementary Charter which should compel persons to enter the Council.[3] This application was unsuccessful, and twenty years later we are told that "some of the first merchants in the City, Tory as well as Whig, have scorned or feared to join its ranks, and have chosen to pay a heavy fine rather than to compromise themselves by sharing in the mock dignity and real odium of a Bristol Corporator."[4]

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[1] *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 449.

[2] In 1800, after two Councillors had refused the Mayoralty, the Mayor's salary was raised to £1500. In 1806 it was further increased to £2000, and 1813 (a time of high prices) to £2500; and reduced to £2000 in the following year. The two Sheriffs also presented the Mayor with pieces of plate, worth eighty or a hundred guineas each (*Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 532; *Annals of Bristol in the Nineteenth Century*, by the same, 1887, pp. 37, 61). The salary was again increased to £2500, and remained at that figure until 1824, when it was reduced to £2000, and in 1832 to £1500 (First Report of Municipal Corporation Association, 1835, vol. ii. p. 1165). The two Sheriffs had also allowances, which in 1791 were made up to £420 each (MS. Minutes, Corporation of Bristol, 3rd October 1791); and afterwards to £630 each (First Report of Municipal Corporation Commission, 1835, vol. ii. p. 1165).

[3] In 1832 the Common Council invited a committee of merchants and bankers to inspect the Corporation accounts; and convinced that committee that the members of the Council had "a balance against their own pockets of £2855 per year on an average of seven years" (*Bristol Mercury*, 26th March 1832).

[4] In 1690 persons who refuse "in their obstinacy" to accept election to the House are fined £300; if they do not pay, they are to be confined in the "gaol of Newgate" until they do pay (MS. Minutes, Corporation of Bristol, September 1690). In 1708 we read that, "Whereas it is absolutely necessary for the maintenance of a succession in the Corporation of the City of Bristol and for the good government of the same that persons chosen to be Common Councilmen of the said City should take upon them the said office," it is therefore ordered that the fine for refusing to accept office and take the oath be £200, to be levied by distress if necessary. But if any one chosen as above appears

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before the Mayor and swears that he does not possess either real or personal estate to the value of £2000, then he is to be discharged from taking on himself the office of Common Councilman, "anything herein before mentioned to the contrary notwithstanding" (*ibid.* 4th May 1708).

[1] *Annals of Bristol in the Seventeenth Century*, by J. Latimer, 1900, p. 457.

[2] Thus, in 1740, a wealthy merchant refused to serve as Common Councilman, and was fined £200 (MS. Minutes, Corporation of Bristol, 9th August 1740). Persons nominated might claim to be excused if they were not worth £2000 (*ibid.* 9th March 1791). The fine for refusing to serve as Sheriff was £300 (*ibid.* 6th September 1704), and that for refusing the Mayoralty £400 (*ibid.* 15th September 1783, 10th July 1784, 9th March and 14th December 1791), subsequently raised to £500 (*ibid.* 15th September 1805), with similar provisions for exemption.

[3] "On the motion of the Mayor, it is resolved that an application be made to the Crown for a supplementary Charter to the Corporation of Bristol to give them power to augment the fine for not serving the offices of Mayor, Alderman, Sheriff, and Common Councilman to any sum not exceeding £2000, but that any person elected to those offices respectively who shall swear himself not to be worth £8000 shall be exempted from such fines; and that the City seal be affixed to any petition for that purpose" (MS. Minutes, Corporation of Bristol, 9th June 1813).

[4] *Letters on the Port and Trade of Bristol*, by a Burgess [J. B. Kington], 1834-36.

It is to be noted that the Bristol Corporation, unlike so many others, was at no time exclusively of one particular party. For more than a century after 1689 the Whigs predominated, but there was always a considerable minority of Tories, and the Freemen, as the Parliamentary elections showed, were not unevenly distributed between both parties. In 1812, by the changing sides of two or three newly chosen members,[1] the Tories obtained a majority in the Council, which they retained down to 1835. But whether Whig or Tory in national politics, the members of the Bristol Corporation retained to the last an arbitrary exclusiveness, which earned for "the forty-and-three tyrants" the hostility of every other section of the inhabitants.[2] "In no part of this country," declares a later writer, "has the exclusive system more strongly developed itself than in the City of Bristol. At the same time it is difficult to say which has hitherto possessed the predominance, the influence of wealth or the influence of party. The effects, however, are the same. Society has been broken up into castes, regulating their conduct by a few antiquated dogmas, and about as ignorant of the real state of the political world as men may be well supposed to be who persist in walking with their eyes closed. This class looks with contempt upon every man who cannot measure purses and principles with its members. . . . To be wealthy and a Tory is to be one of the elect by divine right. To be wealthy and a Whig is to be one of the elect by courtesy."[3]

The worst features of the Bristol Corporation in the last decades of its existence were, we think, its supine neglect of all the public interests of the City; its somewhat mean secretiveness with regard to its policy and projects in public affairs; its financial incompetence to manage even its own estates, let alone grapple with the problems of the port; and a curious timidity which led it to be constantly abandoning its position whenever any opposition was stirred up. "The Corporation," declared its ablest critic, "in every one of its contentions with the citizens, has, even when assuming its highest tone, been ever reduced to submission as soon as resolute steps were taken by the citizens to compel a disclosure of its funds. It was this which made the Gaol Bill of 1792 a dead letter: the Corporators feared the consequences of an application to Parliament. It was this which made them consent to the maintenance of the New Gaol, erected under the Bill of 1816: they dared not meet the challenge which called on them to prove the poverty they pleaded. It was this which has defeated all their attempts to fasten a County Rate upon the city: they could not establish their incompetency to bear charges hitherto borne by them. . . . And it was this which brought them to their senses, during the Town Dues litigation: they refused to listen to reason, and the Chamber of Commerce determined on petitioning Parliament for a general inquiry into Municipal imposts. Already had a member of the House of Commons entered the lobby with the petition under his arm, when the Corporate party, dreading the exposure, consented to terms, and the petition was withdrawn."[1]

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[1] *Annals of Bristol in the Nineteenth Century*, by J. Latimer, 1887, p. 36.

[2] They are, said a local pamphleteer, "a local tyranny; a partial oppression; an arbitrary government within a limited one; a self-creative, self-existing evil; a perpetual infringement on the natural rights of the subject; an immovable, uncontrollable, unaccountable power" (*Free Thoughts on the Offices of Mayor, Aldermen, and Common Council of the City of Bristol, with a constitutional proposition for their annihilation*, 1792, pp. 8, 11).

[3] *Narrative of the Bristol Riots, etc.*, by W. H. Somerton, 1832, p. 6. In close alliance with the Common Council after 1812 were, not only the members of the equally exclusive Society of Merchant Venturers, but also the eighteen other close bodies which, under the name of Select Vestries, administered the parish affairs (*The Parish and the County*, 1906, p. 242).

But, as we have seen, it was the Mayor and Aldermen, not the Common Councilmen, in whom, on the eve of the Municipal Corporations Act, all the power and authority really rested. It was therefore inevitable that the Corporation should, in the long run, be judged by its Magistrates. At the end of the seventeenth century they had a sinister reputation. "The Mayor and Justices, or some of them," says Roger North, "usually met at their Tolzey (a Court-house by their Exchequer) about noon, which was the meeting of the merchants as at the Exchange at London; and there they sat and did justice business. . . . When small rogues and pilferers were taken and brought there, and upon examination put under the terror of being hanged, [and whilst] in order to which mittimuses were making, some of the diligent officers attending, instructed them to pray transportation, as the only way to save them; and for the most part they did so. Then no more was done; but the next Alderman in course took one and another as their turns came, sometimes quarrelling whose the last was, and sent them over and sold them."[1]

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[1] *Letters on the City and Port of Bristol*, by a Burgess [J. B. Kington], 1834-36.

We infer a steady improvement in the character of the Aldermen in the next few years, so much so that we see them, in their dealings with the lower orders, taking on a tone of "respectability," if not of Puritanism. "A great face of seriousness and religion," says Defoe, "appears at Bristol, and the Magistrates are laudably strict in exacting the observation of the Sabbath, considering the general dissoluteness that has broken in almost everywhere else."[2] Upon a presentment of the Grand Jury in 1704 all play-acting was forbidden within the City and the theatre was closed, and five years later the Magistrates ordered all players and other roving people to quit its precincts.[3] The City gates were closed on Sunday mornings, apparently to prevent country excursions.[4] Any person hearing an oath might go privately to the clerk's office in the Council House and report the offender, whereupon a warrant would be instantly issued and the delinquent seized, convicted, and fined.[5] This aspiration after sobriety and outward order remained characteristic of the Bristol Magistrates, so that in 1784-85 we find them in the forefront of the widespread movement of those years against breaking the Sabbath, drunkenness, and profanity.[6]

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[1] *Lives of the Norths*, by Roger North, 1826, vol. ii. pp. 24-26. This was made the subject of public rebuke by Judge Jeffreys in 1685, when the Mayor was fined £1000 for kidnapping (see *Bristol Past and Present*, by J. F. Nicholls and J. Taylor, vol. iii. 1882, pp. 113-114; *Memoirs of Bristol*, by S. Seyer, 1823, vol. ii. pp. 531-532; Tovey's *Local Jottings*; *Life of Judge Jeffreys*, by H. B. Irving, 1898, p. 300). During the first thirty years of the eighteenth century, Bristol was the chief port for the African slave-trade, then "the most lucrative in the world'; and it was not until the middle of that century that Bristol was ousted by Liverpool from that bad eminence (*History of Liverpool*, by Ramsay Muir, 1907, pp. 191-192).

[2] *A Tour through the Whole Island of Great Britain*, by D. Defoe, vol. ii. p. 312 of edition of 1748.

[3] *Bristol*, by Rev. W. Hunt, 1887, p. 178.

[4] *Annals of Bristol in the Eighteenth Century*, by J. Latimer, 1893, p. 54.

[5] In 1746 no less a personage than a recruiting sergeant was fined twenty shillings and set in the stocks for profane swearing (*Bristol Advertiser*, 9th August 1746).

[6] See, for instance, the Order of the Alderman of St. Mary Redcliff Ward, 24th November 1784 (in *Bristol Journal*, 27th November 1784).

During the last half-century of their rule, the accusation brought against them is, not partiality,[1] still less corruption, but supineness and incompetence.[2] But this lack of competence, coupled with their lack of public spirit, was of serious import. The duties of the Magistrates of Bristol had become onerous and incessant. The Mayor and Aldermen were supposed to sit from 1 to 3 P.M. every day in Petty Sessions,[3] in order to deal with the police and other cases of a seaport which still ranked as the third in the Kingdom. "There is," we read, "generally more business . . . for despatch by the Bristol Magistrates than at any one London police-office, not excepting Bow Street." Yet the Mayor and Aldermen of Bristol at the beginning of the nineteenth century made no serious effort to cope with the duties of their offices. The proceedings at the "Justice Room" at the Council House became a public scandal. "Two, three, or four Magistrates," we are told, "walk up to the string of prisoners, prosecutors, and witnesses, and each proceeds in the investigation of a case. The confusion of Babel is admirably imitated, but the appearance of cool and deliberate justice dispensed with in a most unseemly (not to say indecent) manner. . . . With regard to the illegality of the proceedings, we would ask whether it is consistent with either law or justice, that in three cases out of four the Magistrate should *recommend*, nay *direct*—nay *order* the hushing up of offences established by evidence! and yet it cannot be denied that this is the case."[4] Their superintendence of their respective Wards fell entirely into desuetude. The separation of the police into twelve independent detachments, one for each Ward, must necessarily have resulted in an inefficient force, but its inefficiency was rendered far worse by the Aldermanic jobbery of the places among their supporters and dependants, and by their failure to exercise any supervision.[1] What, in fact, became even more glaring than the judicial incompetence of the Bristol Aldermen was their absenteeism. Although residence within the City had always been part of the qualification of their office, the majority of them lived in the country,[2] and many of them did not even have any office or business in the City, and lived permanently in Scotland or elsewhere. The chief officers of the Corporation were no more zealous than their rulers. The Town Clerk was an absentee barrister, who went the Oxford Circuit, spent the bulk of term time at his London chambers, and was at Bristol scarcely longer in each year than the Recorder.[3] It needed only the conspicuous breakdown of the whole of the Bristol Magistracy in the Reform Bill riots of 1831[4] to demonstrate the impossibility of entrusting the government of so great a city any longer to the little *coterie* of wealthy men—too rich to be dishonest, but too indolent and self-indulgent to cope with their task; too prejudiced and exclusive to be representative, but too weak and timid to withstand either public opinion or the mob—in which, by the Municipal Constitution of seven centuries' growth, it had become vested.

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[1] "As Magistrates," said a pamphleteer of 1823, "it cannot be disputed but that justice is impartially administered, and religion and morality maintained and inculcated" (*Letters on the Impediments which obstruct the Trade and Commerce of the City and Port of Bristol*, by Cosmo [J. M. Gutch], 1823, p. 11).

[2] "There is but one among them all," it was said at the end of the reign, "possessing the slightest claim to ability" (*Corporation Reform: Six Addresses to the Citizens of Bristol on the Reform of their Municipal Body*, 1836).

[3] *History and Antiquities of Bristol*, by W. Barrett, 1789, p. 114.

[4] *Bristolian*, 20th June 1827

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[1] Each Ward had its Chief Constable, six to twelve Petty or Ward Constables, one Night Constable (at eighteen shillings a week), and two to thirty Watchmen (at ten shillings a week). The men were "generally elected from the footmen of different members of the Corporation, many of whom continue to be employed as waiters at dinners, routs, and card parties" (*Bristol Journal*, 18th November 1826). The "sleeping, old, and decrepit Watchmen" were constantly complained of in these years; whilst a public meeting of the St. James's Ward alleged that the proceeds of the Watch Rate were largely wasted (*Bristol Mercury*, 20th November, 25th December 1826, 8th and 22nd January and 28th April 1827). A Watchman was convicted of burglary, and sentenced to death (*ibid.* 28th April 1827). Other Wards made similar complaints.

[2] "Certainly if the Magistrates lived *in* the City, and would consent to attend at the Council House and their respective dwellings in rotation (weekly for instance) to the calls of justice, the police would be much mended" (*Bristol Journal*, 14th August 1819). In 1822 it was said that only one Alderman lived within the City (*A Letter to the Mayor and Corporation . . . upon their Judicial Conduct, etc.*, by C. H. Walker, 1822, p. 4); even the Mayoralty came to be served by proxy. "All these offices are, it seems, to be executed *by proxy*; Mr. Alderman Haythorne serving Mayor (for the fourth time) as proxy for Mr. Alderman Cave," etc. (*The Present Mode of Election of the Mayor, Sheriffs, and Common Council of Bristol considered*, by J. M. Gutch, 1825, p. 4).

[3] *Bristol Mercury*, 11th December 1820; *A Letter to the Mayor and Corporation . . . upon their Judicial Conduct and the Local Jurisprudence of the City*, by C. H. Walker, 1822; First Report of Municipal Corporation Commission, 1835, vol. ii. p. 1166.

[4] "All the accounts . . . appear to agree in attributing the disorders, firstly, to the imprudence of the Recorder; secondly, to the unpopularity of the Magistrates; and thirdly, to the refusal of the middle orders to aid and assist the Municipal authorities. This refusal may be attributed to the disgust so universally felt at the loss of the Reform Bill, and the want of confidence in, and respect for, the Corporation Magistrates" (*Chester Courant*, 8th November 1831). See also *The Origin of the Riots of Bristol*, by T. J. Manchee, 1831; *Guide to Modern English History*. by W. Cory, 1882, vol. ii. pp. 185-193.

The Mayor, Aldermen, and Burgesses of Leicester

We do not think it necessary to give in detail any further examples of the constitution and working of the Close Corporations. But in order to round off our description of Municipal administration under "the Corporation System," we select perhaps the worst and the best of the Close Bodies governing populous towns—the Corporations of Leicester and Liverpool respectively—for a rapid characterisation of the administrative results.

The ancient Borough of Leicester, with a population that had by 1831 grown to 38,904,[1] was one of the very few towns of any size in which no statutory body existed, either for paving, cleansing, and lighting, or for the management of the poor. The six Parishes in the Borough had, down to 1832, nothing but Vestries under the general law, and therefore directly subject to the control of the Borough Magistrates.[2] In contrast with Leeds, Coventry, and Bristol, the Leicester

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[1] For Leicester we have made use of the MS. Minutes of the Corporation, the statutory Vestry of St. Margaret's, and the Open Vestries of the other Parishes; various papers by Thomas North, William Kelly, James Thompson, and J. D. Paul, in local and other antiquarian journals, etc.; the useful *Index to the Ancient Manuscripts of the Borough of Leicester*, by J. C. Jeaffreson, 1878; *History and Antiquities of the Ancient Town of Leicester*, by John Throsby, 1791; *History of Leicester*, by James Thompson, vol. i. 1849, vol. ii. 1871; *Glimpses of Ancient Leicester*, by Mrs. T. Fielding Johnson, 1891; and (superseding all previous work) the valuable *Records of the Borough of Leicester*, three vols. edited by Mary Bateson, 1899. For the nineteenth century, the student may consult (besides the newspapers), First Report of Municipal Corporation Commission, 1835, vol. iii. pp. 1883-1922; the discussions in Parliament on the Corporate Funds Bill, 1827-32; *Modern Leicester*, by Robert Reid, 1881; *A Quarter of a Century's Liberalism in Leicester*, by George R. Searson (*n.d.* about 1885); and *Historical Sketch of some of the Principal Works and Undertakings of the Council of the Borough of Leicester*, by John Storey, 1895.

[2] In 1832, one of the largest Parishes, St. Margaret's, succeeded, against the opposition of the Corporation, in getting a Local Act (2 William IV. c. x), transferring the relief of the poor and the assessment of all rates to a statutory Select Vestry composed of the usual parish officers and twenty persons, to be selected by the Magistrates out of a list annually nominated by the Open Vestry. See MS. Vestry Minutes, St. Margaret's (Leicester), 1831-32.

Corporation thus exercised an undivided authority in all local affairs. The Mayor and Aldermen acted as the Magistrates of the town, and, under the presidency of the Recorder (a practising barrister appointed for life by themselves), held the regular Quarter Sessions and a weekly Court of Record in which any civil action could be tried. They governed a small and inefficient force of day police, a gaol and a house of correction; but the whole cost of these services was levied by them on the inhabitants in the form of a Borough Rate and a Gaol Rate, amounting to the heavy sum of £4800 a year. In return for the fine landed estate which the Corporation owned, of which it always refused to publish any accounts, and from which even in 1833, after large alienations, it derived an income of over £4000 a year, it provided for the town nothing beyond the salaries of the Recorder, the Superintendents of the market-place, and one or two petty officers. In our examination of the minutes of Municipal Corporations during the eighteenth century, Leicester stands out as the town in which there is least mention of public improvements of any kind. Between 1800 and 1835, indeed, we find no expenditure from the Corporation funds on official buildings, street improvements, or public purposes, except an annual subscription to the local horse races, and occasional small donations to churches, etc. The lighting, paving, and sewering the thoroughfares of this busy industrial town, together with the night watching, were left to be done by the inhabitants themselves, either as individuals, or in their little Vestry meetings, with the result, as we learn in 1822, "that the streets of the town were in a state of uncleanliness, filth, and neglect, repugnant to every feeling of decency, destructive of the comfort and injurious to the health of the inhabitants."[1] In spite of this neglect of all Municipal services, it must not be thought that the Corporation was inactive. The Town Council busied itself over the development of the Corporation estates, and in the continual letting and re-letting of the extensive and valuable property which it held in trust for various charities. The Mayor and Aldermen were perpetually interfering, as

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[1] Resolution passed at a public meeting of "householders and proprietors of real property," 1822; quoted in First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1921.

Magistrates, in the relief of the poor. They selected their own men as the Overseers of the six Parishes, obstinately refusing to accept the nominations of the Vestry meetings. When the Vestries objected to items in the Overseers' accounts, or when they sought to enforce payment of rates by all householders, small and large, the Magistrates turned a deaf ear to the popular appeals. More serious still was the Magistrates' obstruction of reform. All attempts of the Vestries "to distinguish between the honest and industrious poor, and the dissolute and worthless pauper," were, we learn, "thwarted by the perverse determination of the Magistrates to order relief in every case in which application was made to them."[1] Matters became so bad that the Assistant Poor Law Commissioner in 1833 was driven to declare "that if not checked by the timely interference of the Legislature, this dreadful evil threatens, at no very distant period, to paralyse the industry and swallow up the property of the whole town."[2] But it was in the sphere of politics that the Corporation and its officials found the greatest scope for their energy. Holding with fervour "that conscientious men have the strongest of all possible motives to support and extend their own party, namely, the supposition that they alone are in possession of the truth,"[1] the members of the Corporation never scrupled to use their whole influence and authority, whether as Magistrates, as landlords, as trustees of charities or as Municipal administrators, to put their own party in power. "From the Mayor to the humblest servant of the Corporation," we are told, "every office has been filled by persons of the Corporation, or so-called Tory party, to the total exclusion of all who entertained different opinions, however wealthy, however intelligent, however respectable."[2] In the appointment of police, the selection of Overseers, the granting of licences, the admission of children to the local endowed school, and the distribution of the extensive charities, the same spirit "of exclusion and selection of political partisans" prevailed. Even the administration of justice was tainted. "If I were on the other side in politics," said a respectable Tory solicitor in 1833, "I should not place confidence in some of the Magistrates"; and he proceeded to give two instances which had come under his personal notice, in which political opponents of the "Corporation party" had failed to obtain justice.[3] But it was at election times that the Leicester Corporation most outdid itself. "No Corporation," say the Commissioners, "has interfered more extensively or more openly in elections. They have usually canvassed in a body, and the whole weight of their power and patronage has been unsparingly applied to the purpose of influencing the returns."[1] It is unnecessary for us to recount in detail the proceedings of 1825-27, when the Corporation swamped the constituency by the sudden creation, without the usual fee, of 800 new Freemen "of the right colour," consisting of country gentlemen, clergymen, and barristers, residing in all parts of the country except Leicester itself; and undertook, by a "secret committee" of four Aldermen, the whole conduct of the election on behalf of their own candidates, advancing for this purpose large sums from their Corporate funds, of which no less than £10,000 was never repaid. But worse remains to be told. We know of nothing more scandalous in the annals of electioneering than the manner in which every public official concerned in this contest, from the Mayor as Returning Officer, down to the Constables in front of the hustings, from the Overseers charged to object to the votes of pauper electors, down to the very clerks in the polling booth, used their authority, with the grossest partiality, to defeat the Whig candidate.[2] In face of so grave a misuse of public authority and Corporate funds, we cannot be surprised to find that personal interests were advanced, as well as political convictions. It is perhaps not much that they should vote, as in 1825, a life pension of £50 a year to their senior Alderman, and arrange to give an important judicial office to the infant son of a former holder.[3] But between 1790 and 1834 large sales of land were made in many cases to Aldermen and

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[1] Resolution quoted in First Report of Municipal Corporation Commissioners, 1835, vol. iii. p. 1918. The MS. Minutes of St. Margaret's Vestry abundantly confirm the Commissioners' report on these points. The Overseers' accounts are repeatedly "not sanctioned by the Vestry." The Vestry strives in vain to control the Overseer and Master of the Workhouse, in such matters as keeping proper accounts and accurately registering the names of the outdoor poor, in which these officers set them at defiance. Matters came to a head in 1828, when a great meeting was held in St. Margaret's Church, to protest against the Overseer forced on the Parish by the Magistrates, "whose interference, experience has proved, has been generally hostile to the interests of the parishioners." See MS. Minutes of Open Vestry, vol. from 1793 to 1841, especially for 1827-31. "It was in this year" (1831), writes Searson, "that the inhabitants of St. Margaret's decided upon the desirability of obtaining an Act of Parliament for the better regulation of the affairs of the Parish, and to prevent the best interests of the parishioners from being nullified by any junto of individuals, magisterial or otherwise. . . . The Corporation, true to its traditions, opposed the Bill. At a select meeting Mr. Burbidge, the Town Clerk, read and condemned most of the clauses, especially those which took the authority over the Overseers out of the hands of the Magistrates and gave it to the Vestry. . . . Mr. C. C. Macaulay supposed that the Vestry would be chosen by the 'detestable mob' that met at the Church once a year. A humble petition from the Corporation and Magistrates was sent to Parliament against the Bill" (Searson's *Quarter of a Century of Liberalism in Leicester*, p. 28).

[2] First Report of the Poor Law Inquiry Commissioners, 1834, Appendix A, vol. ii. p. 102.

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[1] This naïvely bold declaration forms one of a remarkable string of resolutions unanimously adopted against "the unprecedented combination of the Dissenters" to obtain the repeal of the Test and Corporation Acts (MS. Minutes, Corporation of Leicester, 23rd February 1790). Some of the other resolutions against "so dangerous an innovation" were as follows:—"That all the Dissenters urge against respecting their own moderation is absurd, because no men ever give themselves bad characters. That it is wiser in the State to prevent the opportunities of injuries being offered than to repel the injuries when offered, just as it is wiser to prevent crimes than to punish them. That the admission of Dissenters into civil offices would give them perpetual opportunities of injuring the State by applying the powers, with which they would be entrusted, to the support of their own party. That toleration regarding religion only, eligibility to civil offices reaches no part of it, and therefore the repeal of the Test and Corporation Acts cannot make it more complete." It is needless to add that Dissenters were, to the last, rigidly excluded, not only from the Corporation, but also from all appointments and public offices, paid and unpaid, from all charities which the Corporation administered, and even from admission to the local endowed school. On the last point, see MS. Minutes, Corporation of Leicester, 5th September 1826.

[2] First Report of the Municipal Corporation Commissioners, 1835, vol. iii. p. 1909.

[3] *Ibid.* p. 1915.

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[1] First Report of the Municipal Corporation Commissioners, 1835, vol. iii. p. 1909.

[2] For the appointment of this "secret committee," see MS. Minutes, Corporation of Leicester, 30th August 1825. This case made such an impression even on the unreformed House of Commons that motions or Bills to restrain Municipal Corporations from spending their funds for election purposes were introduced every year from 1827 to 1832, and more than once passed by that House. They were rejected by the House of Lords, at the instance of Lord Eldon, who declared that Municipal Corporations were meant to have political influence, and that they had the same right to use their funds as private individuals (see, for instance, the *Diary and Correspondence of Charles Abbot, Lord Colchester*, 1861, vol. iii. p. 516). The Bill did not become law until after the reform of the House of Commons (see 2 & 3 William IV. c. 69). It is stated in Gardiner's *Music and Friends* (1838)—a book containing incidental notices of the Leicester of that day—that it was Mr. Evans, the defeated Whig candidate of 1827, who originated and promoted this measure. Compare Sir F. Palgrave's *Observations on the Principles to be adopted in the Establishment of New Municipalities*, 1833, p. 65, and the anonymous pamphlet *On the Abuses of Civil Incorporations*, 1830.

[3] MS. Minutes, Corporation of Leicester, 14th March 1825; 11th July 1828.

Common Councillors, at prices far below the market value. A large proportion of the public-houses belonged to members of the Corporation, and, whilst licences were refused to rivals and opponents, any publican of the Corporation party could get not only a licence but also a loan of £50 free of interest out of Sir Thomas White's charity (of which we have already heard in Coventry), to enable him to set up in business.[1] As the publican had to take up his freedom, and pay the Corporation £35 in fees, this use of the charity was, in effect, an ingenious way of not only enhancing the rents of Aldermanic property, but also of swelling the receipts of the Corporation itself. It is perhaps a minor matter that when, in 1824, the Mayor and Aldermen resolved to incur a debt of £12,000 in building a new gaol—in flat defiance, it may be said, of an influential memorial from the inhabitants of the Borough and the Parish Vestries[2]—they employed one of their own number as architect, with the result that the new building is described in 1833 as "utterly inadequate" and "an absolute waste of money." Another Alderman, whilst serving as Churchwarden of St. Margaret's Parish in 1828, was not above levying, on all the tradesmen whose bills against the parish he had to pay, a private discount for himself. The public appeal of the Vestry against the practice did not prevent his being elected Mayor. So bad, in short, became the conduct of the Leicester Corporation, that seven of its members within a few years resigned their seats in disgust. We are accordingly not surprised to find it recorded, in 1833, that "the governing body, taken in the aggregate, and, in consequence, the Magistracy, is not composed of the most eligible persons, either as regards intelligence or station. Neither does it appear that in the selection of Magistrates that attention to personal character has been invariably given which is essential to the dignity of the office."[3]

It is all of a piece that such a Corporation as that of Leicester should have defiantly refused to recognise the authority of the Municipal Corporation Commissioners, or to answer their inquiries.[1] The Town Council, in fact, fought to the last, and may be said to have died kicking. It sent a furious petition to the House of Lords against the Municipal Corporations Bill, abusing the Commissioners; denouncing their report as partial and unfair; declaring that the Bill was subversive of the rights of property, contrary to the British Constitution, unjust, fraudulent, and tyrannical; and defiantly reminding the Peers that the Corporation's property rested on the same title as the Peers' own estates, so many of which were granted "by the kings and queens of England out of the possessions of the dissolved monasteries and religious houses."[2] Finally, when the Bill had become law, the Town Council wound up its disreputable career by executing as many conveyances and leases of its property as could be hurried forward; by granting pensions for life to a dozen of its officers, securing these by formal bonds under seal; and by voting a pipe of wine to the local hospital, a year's salary to the Mayor, and substantial "pieces of plate," to the value of 450 guineas, to the Town Clerk and two of the Councillors who had taken the most prominent part in the fight.[3]

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[1] Between 1800 and 1833, 738 loans had been granted; of these 203 had "been to licensed victuallers; the total sum distributed amongst them since that time being £10,150" (First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1916). "None but Freemen could keep a public-house in the town" (Searson's *Quarter of a Century of Liberalism in Leicester*, p. 7).

[2] See, for instance, MS. Vestry Minutes, St. Martin's, Leicester, 29th April 1824.

[3] First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1917.

The Mayor, Bailiffs, and Burgesses of the Borough of Liverpool

In contrast with most of the other Boroughs of the eighteenth century, the thriving port of Liverpool was administered by an ambitious and capable Municipal Corporation.[4]

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[1] MS. Minutes, Corporation of Leicester, 24th September and 7th October 1833.

[2] *Ibid.* 24th July 1835.

[3] *Ibid.* 22nd December 1835.

[4] The materials for a history of local government in Liverpool, scanty for the earlier period, are, for the eighteenth century, abundant and accessible. The local University, setting an example which it is to be hoped will be widely followed, organises a "School of Local History," which has in hand a series of volumes of local records. The first of these, *A History of Municipal Government in Liverpool to 1835*, by Professor Ramsay Muir and Miss Edith Platt, 1906, is an admirable production, completely superseding all previous local histories on the points with which it deals. The no less admirable *History of Liverpool*, by Professor Ramsay Muir, 1907, presents a graphic and interesting picture of the development of the Borough, and includes a valuable appendix on the manuscript and printed authorities. Besides the voluminous and well-kept MS. Minutes of the Corporation and the Vestry, we have made use of many printed documents of the Mersey Docks and Harbour Board, and, from 1800 to 1835, such local newspapers as *Gore's General Advertiser*, *Liverpool Mercury*, *Liverpool Commercial Chronicle*, *Liverpool Courier*, *Albion*, and *Liverpool Journal*. Many of

This Close Body of a Mayor and two Bailiffs, and thirty or forty Aldermen and Common Councilmen, recruiting itself exclusively by co-option, not only gave to the town its Bench of Magistrates, but also acted itself as Lord of the Manor, owned in fee simple a large portion of the land, governed the port, controlled the markets, and undertook with equal zeal the provision of education, the management of the churches, and the defence of the estuary against the French invader. Its Corporate revenue, in 1689 already considerable for a population not then exceeding 7000, steadily increased with the growth of its trade and population, until, by 1833, it far exceeded that of any other Corporation outside the City of London. No less than half of this Corporate income of £100,000 a year came from rents of property, and the remainder from the dues and tolls levied on the vast commerce of the port.

No one can study the admirably kept minutes of the Liverpool Corporation, or trace its action in the other contemporary records, without being impressed by its energy, dignity, and public spirit. From 1689 to 1834 it was

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the early documents, with much historical information, will be found in the *Transactions of the Historic Society of Lancashire and Cheshire*, especially vol. xxxvi., 1884; in the publications of the Record Society of Lancashire and Cheshire, especially vols. xlviii. and lxi.; in those of the Chetham Society, especially vols. xxii. xlix. xcv. and cxiii.; in the *Portfolios of Fragments*, by M. Gregson, 1817; in *Lancashire Pipe Rolls*, by W. Farrer, 1902; and in *Liverpool Literature*, by W. Jaggard, 1905. The student will still find useful the works of Sir J. A. Picton, *Memorials of Liverpool*, 1875; *Selections from the Municipal Archives and Records from the Thirteenth to the Seventeenth Century, 1883*; and *Municipal Archives and Records from 1700 to the Passing of the Municipal Reform Act*, 1886. Exceptionally full information is given in the First Report of the Municipal Corporation Commissioners, 1835, Appendix, vol. iv. pp. 2687-2780; and in two local publications, *A Report of the Proceedings of a Court of Inquiry into the existing State of the Corporation of Liverpool*, 1834; and *A Copious Report of the Inquiry into the Affairs of the Corporation of Liverpool*, 1833. Among the innumerable local pamphlets and topographical works, we may mention *Moss's Liverpool Guide*, 1794; *The Stranger in Liverpool*, by T. Kaye, 1810; *Liverpool: its Commerce, Statistics, and Institutions*, by Henry Smithers, 1825; *Liverpool a Few Years Since*, by An Old Stager [Rev. J. Aspinall], 1852; *A Picture of Liverpool*, by Thomas Taylor, 1834; *The History of the Commerce and Town of Liverpool*, by Thomas Baines, 1852; *Liverpool during the Last Quarter of the Eighteenth Century*, by R. Brooke, 1853; the Norris Papers (Chetham Society, vol. ix., 1846); *Recollections of Old Liverpool*, by a Nonagenarian [James Stonehouse], 1863; *Gleanings and Reminiscences*, by T. Ellison, 1905; and especially *Liverpool in the Reign of King Charles II.*, by W. Ferguson Irvine, 1899, being a republication of the "Moore Rental" of 1668.

continually extending its powers and increasing its duties by successive Local Acts. Its most remarkable enterprise was the construction of the docks. At the very beginning of the eighteenth century, when no such thing as an artificial wet dock had been tried anywhere in the world, the Liverpool Corporation, under the guidance of Sir Thomas Johnson, engaged, as its engineer, one Steers of London, and employed him to construct "the first docks ever built in England."[1] A Local Act was obtained in 1709[2] which authorised the construction of docks and the levy of tonnage dues on shipping. The first dock, opened in 1715, was so successful that a second was begun within twenty years. From these beginnings there gradually arose, by successive statutes, a magnificent dock estate, which was, down to 1825, managed entirely by a committee of the Common Council. In 1825, in order partly to meet the views of those merchants and shipowners who found themselves excluded from the Corporation, eight additional members of the Docks Committee were elected by the payers of dock dues. By this time the capital outlay on the docks had grown to something like a couple of millions sterling, and this valuable property was, in 1833, charged with a then unprecedented Municipal debt of a million and a quarter sterling.[3]

But although the long range of docks, with their acres of warehouses and miles of quay wall, came to be the most prominent feature of Liverpool, they formed only one among many enterprises of the Municipal Corporation. In 1748, first among provincial Corporations, it got an Act for lighting, cleansing, and watching its streets. During the second half of the eighteenth century, with or without special statutory power, it spent large sums on widening its streets and generally improving the town; it erected markets, warehouses, and public baths; it provided weigh-bridges and a chain-cable testing-machine for common use; it lavished money on the building and endowment of new churches, and latterly it established and maintained at its own expense extensive free schools. Its Bench of Aldermen discharged the whole burdensome duty of police magistracy for the town and docks; governed the largest provincial police force of the Kingdom in a way to give satisfaction to the inhabitants;[1] and kept their five local prisons in a state of relatively high efficiency.[2] It must, at any rate, be recorded to the credit of the Liverpool Corporation that the town stood almost alone among English urban centres of any considerable population in having no rate on the householders for police, prison, or street improvement purposes.[3] Besides all this business, we see the Corporation coming forward as a patron of art and letters; offering, in 1828-29, premiums to local painters and sculptors for the best works sent to the London exhibitions;[4] granting sites on favourable terms to philanthropic institutions; constructing, as early as 1767, public walks and gardens; and in 1835, in the interests of public beauty, even contributing towards the cost of an ornamental façade for the railway station, instead of "such a plain building for the purpose as the Company might deem sufficient."[5] At all times the Corporation kept a vigilant watch over the interests of the town, maintaining an office in London[6] for the conduct of its public business, and frequently

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[1] *History of Liverpool*, by Ramsay Muir, 1907, pp. 5, 176-7.

[2] 8 Anne, c. 12.

[3] Including the annuities and all the bonded debt, the total indebtedness of the Corporation of Liverpool in 1833 must have approached two millions. The population grew steadily from 7000 in 1689, to about 15,000 in 1730, 26,000 in 1769, 100,000 by 1800, and 200,000 (of which 165,175 resided within the old Borough boundaries) in 1831.

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[1] "The Nightly Watch is well attended, and is doubled in the winter season, when it goes half-hourly; and the inhabitants are as secure in their beds as in the most retired village, the streets being in general well lighted with lamps" (*The Liverpool Guide*, by W. Moss, 1801, p. 155).

[2] "The new prison, according to the Howardian plan for solitary confinement, is on a very extensive scale, and has every possible convenience" (*The Representative History of Great Britain and Ireland*, by T. H. B. Oldfield, 1816, vol. iv. p. 100). This Liverpool prison was specially praised in 1819 by J. J. Gurney in his *Notes on a Visit made to some of the Prisons in Scotland and the North of England*, part ii., 1820 (reprinted in the *Pamphleteer*, vol. xv.).

[3] The Town Clerk declared, in 1833, that he did "not know of a town in England except Liverpool which is free from rates for the improvement of the town. In Manchester they have a very heavy rate for widening streets and other improvements; they have also a rate for the maintenance of the police. Many towns are put to expense for lock-up houses, bridewells, and gaols, all of which is paid for by the Corporation of Liverpool" (*Report of the Evidence . . . in the Second Inquiry relative to Bribery and Corruption at the Liverpool Elections*, 1833).

[4] *Municipal Archives and Records from 1700 to the Passing of the Municipal Reform Act of 1835*, by Sir J. A. Picton, 1886, pp. 313-314.

[5] MS. Minutes, Corporation of Liverpool, 4th March 1835.

[6] This was taken in 1814 at the suggestion of the merchants and shipowners, and has been continuously maintained down to the present day. No other

"lobbying" Parliament in the advocacy of local projects or in resistance to measures deemed hurtful to the citizens. In any emergency the Corporation came forward to serve the interests of its important commercial community. More than once, during the eighteenth century, from 1715 down to 1803, it undertook the defence of the port, raising regiments, erecting batteries, and equipping gunboats at its own expense. In the commercial crisis which occurred at the sudden declaration of war in 1793, when banks and business firms were failing on all sides, the Liverpool Corporation took the boldest financial step recorded in the annals of English Local Government. It first tried to borrow £100,000 from the Bank of England, with which to uphold the credit of the principal Liverpool houses; and when the loan was not forthcoming, it promptly obtained power from Parliament to issue, up to a maximum of £300,000, its own promissory notes payable to bearer, which were accepted as currency. In this way it advanced no less than £140,000 to the local merchants, to enable them to meet their engagements, and on the security of their temporarily unsaleable goods; with the result that the panic was stayed, failures were prevented, and the whole sum, with interest, was within three years recovered without loss.[1]

We see, therefore, in the unreformed Corporation of Liverpool an energetic, large-minded, and, on the whole, popular body.[2] Yet there were evils connected with the

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Municipality has ever had a London office. In 1834 we see the Town Council resolving (notwithstanding the presence among its members of the chairman and vice-chairman of the railway company in question) that "no railway company should have the exclusive right to put down a railway on the dock quays" (MS. Minutes, Corporation of Liverpool, 4th December 1834). "The old Liverpool self-elected Corporation was always looked up to and spoken of with respect from one end of the country to the other. It was, indeed, considered to be a kind of model Corporation by all others, and quoted, and emulated, and imitated on all occasions and in all directions" (*Liverpool a Few Years Since*, by An Old Stager [Rev. J. Aspinall], 1852, p. 102).

[1] MS. Minutes, Corporation of Liverpool, 20th and 21st March and 15th April 1793, 12th March 1795, and 7th September 1796; 33 George III. c. 31 (1793); Reports of the Negotiable Note Office (in Corporation archives); *Memorials of Liverpool*, by Sir J. A. Picton, 1875, vol. i. pp. 236-238; *Municipal Archives and Records*, by the same, 1886, pp. 249-253; "Municipal Bank-notes in Liverpool, 1793-95," by E. C. K. Gonner, in *Economic Journal*, vol. vi., 1896, pp. 484-487. The notes were for £5 and £10 bearing no interest, and for £50 and £100 bearing interest. The advances were made by a special committee of councillors and merchants appointed by the Town Council.

[2] The Freemen of Liverpool, at all times an exceptionally numerous body, had

Municipal government which were made the most of by the contemporary reformers. With regard to the management of the large Corporate property, there were criticisms and complaints; but on investigation in 1833 they proved trivial enough. The accounts were well kept. There was no accusation of dishonesty against any member of the Corporation. The Commissioners themselves report that "it is only justice to state that, in the means taken for rendering their property productive, the Corporation appear to have shown very much of the same vigilance by which so many individuals among the mercantile population of their town have risen to wealth and distinction. Their leases have been granted on a uniform and fair scale." Some of the highly paid officials belonged to the little group of governing families; but with one exception they were all admitted to be highly competent men. In one important department—the docks—the Corporation had left too much power to the paid officials, with the result that

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gradually been ousted from their right of meeting in Common Hall to decide the Corporation affairs, but they retained the privilege of annually choosing which among the members of the Common Council who had not yet served should act as Mayor for the year. They also had the Parliamentary franchise, and the privilege of exemption from the Town Dues of their own Corporation, and from those of Bristol, Waterford, and Wexford. Their rights of pasture on the common lands had long since become extinct. The Freemen of Liverpool, recruited by birth and apprenticeship (there being no accessions by purchase or co-option after 1777), comprised in the seventeenth century nearly all the heads of households. Even in 1734 there voted nearly as many Freemen (2064) as there were houses. By 1833 there had come to be 3733 whose addresses were known (besides 1500 more whose addresses were unknown), in a population of 170,000. The distinctive feature of the Liverpool Freemen (as with those of Coventry) was their independence of the Close Body, and the preponderance among them of journeymen mechanics and labourers, to whom the only advantage of the Freedom was the annual vote for Mayor and the periodical votes for the two Parliamentary representatives, which were habitually sold for money and beer. The elections thus became scenes of shameless bribery and orgies of drunkenness (*Report of the Evidence . . . in the Second Inquiry relative to Bribery and Corruption at the Liverpool Election, 1833*). But among the Freemen were also the old-fashioned governing families, to some of whom, being merchants and shipowners, the exemption from the Town Dues amounted to a highly valuable privilege. It is to be noted that the Common Council was not responsible for the existence of these Freemen, their demoralisation by bribery, or their exemption from dues. Every son or apprentice of a Freeman could claim his Freedom as a matter of right. Unlike many Municipalities, the Liverpool Corporation did not, after 1777, manufacture Freemen for political purposes. The Corporation took no part in Parliamentary or Mayoral elections, and spent none of its own funds in bribery. And, so far as the Freemen's exemption was concerned, it was enforced as a matter of legal right against the Corporation, and was in diminution of its income.

contracts for material had been placed, without tender, at extravagant prices. There were, it need hardly be said, sharp criticisms as to the policy of some of the Corporate acts. Between 1787 and 1807, when Clarkson and Wilberforce were attacking the Slave Trade, the Corporation had not scrupled to use all its influence against the small minority who objected to it, and to spend freely from the Corporate funds in defence of the most profitable business of the town. "The Roscoes, Rathbones, Rushtons, Croppers, who rang the tocsin of alarm, and denounced the unrighteousness of the traffic, were looked upon as troublesome, meddling praters, who wished to undermine our glorious constitution in Church and State and to destroy the trade of the port."[1] "The Liverpool Corporation," as we are told in Wilberforce's biography, "spent first and last upwards of £10,000 in their Parliamentary opposition to his motions. . . . Besides printing works in defence of the Slave Trade and remunerating their authors, paying the expenses of 'delegates and agents to attend in London and watch Mr. Wilberforce's proceedings,' they pensioned the widows of Norris and Green, and voted plate to Mr. Penny, for their exertions in this cause. The Corporation of Liverpool, let it be remembered, believed firmly that the very existence of their town depended upon the continuance of this trade."[2] Nor do we fail to hear in 1833 of the large balances kept at the Corporation's two bankers, both members of the Common Council; of the hasty purchase in 1828 (partly from one of its own members) of 206 acres of land, to prevent the establishment of private docks which would have seriously rivalled those of the Corporation; and of the unscientific and frequently changing character of the customs tariff which it levied as Town Dues. These criticisms represented, however, only differences of opinion on matters in which the Commissioners found no reason to impugn the honesty of the Common Council's action. On the whole, when we consider the magnitude of the transactions of the Liverpool Corporation, the width and ramifications of its legitimate interests, and the contemporary state both of the national administration and of that of other towns, it must be admitted that the Liverpool Common Council came very well out of the searching investigation to which it was in 1833 subjected.[1]

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[1] *Memorials of Liverpool*, by Sir J. A. Picton, 1875, vol. ii. p. 276.

[2] *Life of William Wilberforce*, by R. I. and S. Wilberforce, 1838, vol. i. p. 345; see MS. Minutes, Corporation of Liverpool, 14th February and 4th and 20th June 1788, April, July, and December 1789, 5th December 1792, etc.; *Municipal Archives and Records*, by Sir J. A. Picton, 1886, pp. 214-220, 347-348; *A General View of the African Slave Trade*, by W. Roscoe, 1788; *History of Liverpool*, by Ramsay Muir, 1907, pp. 190-206.

The more substantial burden of the Whig complaints in 1833 had reference to the particular public objects on which the Corporation chose to expend its net revenue. These complaints related mainly to two great departments of the Corporate activity. The merchants and shipowners, whilst not objecting to the "system of town duties" if levied on all alike, resented the fact that this income was "applied to purposes wholly unconnected with the shipping and commerce of the Port." But, however logical and however desirable might have been such an application of the Town Dues, it must be said, in fairness to the Corporation, that this ancient revenue had never been supposed to be of the nature of the modern dock charges or tonnage rates, which are levied primarily by way of payment for a definite service rendered to shipping. The Town Dues of Liverpool, like those of Bristol, were really local taxes, imposed from time immemorial on the "foreigner" by the authorities of the Town, as part of its Corporate income. The Liverpool Town Council, in spending this income, not on themselves personally, but in the widening of streets, the provision of markets, and the maintenance of public buildings, were acting up to the highest moral standard of the time.

The second great complaint was that, among the public objects promoted by the Corporation, one of the principal was the provision of new churches for the rapidly growing population of the town in which it owned so large an estate. Out of the Corporate funds the Town Council repaired and redecorated the old churches; it built new ones in the new districts; it endowed the clergymen; it even paid for the sacramental plate and wine—spending, in fact, no less than £10,000 a year for all these purposes. It was counted as an additional grievance, that in the free schools for 1400 children which the Corporation maintained the catechism of the Established Church was taught. To the members of the Corporation—even to the great mass of the inhabitants of the town—this complaint was unintelligible. It seemed only a matter of course that public money should be spent on providing the means of public worship for the tens of thousands of families that had come into the town. But among the powerful minority of wealthy Dissenters there had grown up the new feeling that it was wrong for religion to be maintained from public funds—a feeling which the Municipal Corporation Commissioners, to the bewilderment of the old Corporation, were found to share. Subsequent experience has so far borne out what was then a novel view, that it is now universally admitted that local governing bodies must not help one denomination to the exclusion of others.[1]

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[1] It may be noted that, almost alone among Municipal Corporations outside the City of London, the Liverpool Corporation published its accounts as early as 1815. Those for 1797-1814 were published in 1815 by order of the Mayor and Council; those for 1814-1817 were similarly published in the latter year; see MS. Minutes, Corporation of Liverpool, 4th January 1815, and 5th November 1817. They were thenceforth published annually as a matter of course. The Liverpool Athenæum library contains a complete set from 1797 to 1852.

It was, however, not the practical results, good or evil, of the administration of the Liverpool Corporation that created the agitation for its reform, but its social, religious, and political exclusiveness.[2] From 1695, for about three-quarters of a century, the Common Council had, whilst exclusively Anglican in religion, remained predominantly Whig in political opinion. But after the accession of George III., the Borough, like so many others, began to go over to the Tories. In 1769 the Corporation supported the King against Wilkes, and in 1784 Pitt against Fox. From this time onwards, influenced largely by the necessity of defending the Slave Trade, the Corporation, like the majority of the inhabitants of the town, became overwhelmingly Tory. At last the end came just as it came at Leeds. Alongside the old mercantile families of Tory Churchmen who ruled the Corporation, there had grown up a new class of able, wealthy, and public-spirited citizens, differing from the bulk of the inhabitants in religious and political opinions. Into the hands of this class was passing more and more of the trade of the port. It was their cargoes of cotton that were filling the warehouses; theirs were "the swarm of white-winged vessels" which the boy Gladstone watched raising "their sails simultaneously to the winds in a harbour clearance after a period of steady north-west winds."[1] It was the new generation of principally Whig Unitarian and Quaker merchants and shipowners who paid the bulk of the town dues. Yet by the method of recruiting the Common Council, these men found themselves excluded from all share of the government of the town. The unreformed Corporation itself seems to have felt that the rise of this new and vigorous commercial class made no longer possible the government of a great port by a small clique of families. It was with unusual dignity that the self-elect Common Council made way for a representative body. At a special meeting summoned to consider the Municipal Corporation Bill, we find it resolving, "That this Council, conscious of having always discharged the important duties devolved upon it as the governing body of this Corporation with the utmost desire for the welfare and advantage of the Town of Liverpool, does not feel itself called upon to offer any opposition to the principle of the measure brought into the House of Commons, so far as relates to the removal of the Members of this Council, and the substitution of another body by a different mode of election for the future management of the Corporate estate, but that the same should be left to such determination as Parliament may think fit regarding it."[1]

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[1] The way in which the Whigs put their grievances showed a lack of perspective and humour. It was complained that the Corporation had "subscribed for the monument to the memory of the late Mr. Canning £500. Ditto, to one for Mr. Huskisson £500. *Nothing to one for Mr. Roscoe, the most distinguished man the town can boast of.* Five shares in the King's College (London), £500. *None in the London University, a Liberal College.*" On the other hand we see that the Corporation of Nottingham, violently Whig in its politics, subscribed £200 for two shares in "London University" (now University College), and nothing to King's College! (MS. Minutes, Corporation of Nottingham, 10th December 1829).

[2] From the Liverpool Corporation "all tradesmen and shopkeepers, and everything retail, were carefully excluded. . . . They were not only a self-elected body, but a family party. . . . The immense patronage at their disposal . . . was too often considered as the heirloom of the Corporate families. . . . They would, indeed, occasionally admit a stranger without any ties of relationship to recommend him. . . . For the same reason, that of saving appearances, our ancient municipals, though ultra-Tory in their politics, occasionally opened the door of the Council chamber to a very select Whig" (*Liverpool a Few Years Since*, by An Old Stager [Rev. J. Aspinall], 1852, pp. 103-104).

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[1] *History of Liverpool*, by Ramsay Muir, 1907, p. 260.

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[1] MS. Minutes, Corporation of Liverpool, at special meeting to consider the Municipal Corporation Bill, 17th June 1835.

The foregoing description of the Liverpool Corporation, derived largely from our own researches into contemporary records either in manuscript or in the transcripts published by Sir J. A. Picton and Professor Ramsay Muir, finds ample confirmation in the exceptionally exhaustive report of the Municipal Corporation Commissioners. The Commissioners investigated every detail of the Corporation work, listened to every grievance, and give us, in a lucid summary which runs to nearly one hundred thousand words, an exhaustive account of the constitution and functions, finances and administration of the Municipality. They sum up the result in a significant sentence. "It must," they say, "be admitted that, in the main, the Corporation have evinced economy and good management in their affairs; that, as magistrates, they are attentive to the duties, and careful of the due regulation of the Borough; and that, as its governing body, their conduct seems to have been materially influenced by a desire to promote its welfare. But when we still find a spirit of discontent pervading a very large proportion of the most wealthy and intelligent inhabitants, this fact would of itself seem pregnant evidence that the system, in its silent working and exclusive operation, is fraught with all the evils that are everywhere found among self-elected bodies" (First Report of the Municipal Corporation Commission, 1835, vol. iv. p. 2706).

CHAPTER IX

ADMINISTRATION BY MUNICIPAL DEMOCRACIES

THERE remains to be described the group of Municipal Corporations that we have termed Municipal Democracies. As we have said in a former chapter, this group comprises one or two score of Boroughs, the exact number depending on the line drawn between constitutions in which, although there is a popular element, the ruling force is a Close Body, and constitutions provided with some undemocratic machinery, but in which the voice of the Freemen may be said to be the determining factor.[1] On any computation these Municipal Democracies constituted a small minority of the couple of hundred Municipal Corporations of 1689. But they included in London the greatest city in the world, and in Norwich the most populous provincial centre of the United Kingdom. Their constitutions were more complicated and more varied than those of the Close Corporations. There is, for instance, an obvious cleavage between Municipal Democracies governed by the whole body of Freemen in public meeting, and those enjoying Representative Institutions. This variety, together with the importance of some of the places, justifies us in describing the working constitution and the administrative achievements of as many as five separate Boroughs, two of them governed by public meetings, two of them having highly evolved Representative Assemblies, and one standing midway between a public meeting and a governing Council. We open our series with the little town of Morpeth, which had barely emerged from the status of a Manorial Borough.

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[1] Among the Corporations included in this class—the amount of popular control differing widely from case to case—were those of the City of London, Norwich, Ipswich, Dunwich, Carmarthen, Maidstone, Great Grimsby, Hastings, Pevensey, Romney Marsh, Rye, Sandwich, Seaford, Fordwich, and Bridgnorth; together with Berwick-on-Tweed, Southwold, Welshpool, and Wenlock.

The Bailiffs and Burgesses of the Borough of Morpeth

"The Bailiffs and Burgesses of the Borough of Morpeth, in the County of Northumberland," ruled, in 1689, over a little market town of probably only three or four hundred families, under the dominion of the Lord of the Castle of Morpeth, the Earl of Carlisle.[1] This picturesque little community, with its continued interest in a common pastoral agriculture, its position at the base of a Seignorial Hierarchy, and its apparent subservience to the Lord of the Manor, whose Courts formed the centre round which the whole Municipal life revolved, is of interest as standing almost exactly on the line that we have chosen as separating the Manorial Borough from the Municipal Corporation. For, unlike its neighbour Alnwick, which it so much resembled, Morpeth seems somehow to have secured for its Bailiffs, without the explicit authority of seignorial Charter or Royal grant, the privilege of acting within the Borough, *virtute officio*, as if they were Justices of the Peace.[2]

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[1] For Morpeth we have been able, by the kindness of the Earl of Carlisle, to consult the very full MS. Records of the Manorial Courts, 1696-1870, which are at Naworth Castle; also the "Morpeth Collectanea" in vol. v. of the Woodman MSS. in the library of the Society of Antiquaries at Newcastle-on-Tyne; the scanty MS. Records in possession of the Corporation; the MS. Records of one of the seven Trade Companies (the Cordwainers); and the MS. Minutes of the old Four-and-Twenty, or Close Vestry. Good descriptions of the constitutional organisation of Morpeth will be found in the First Report of the Municipal Corporation Commission, 1835, vol. iii. pp. 1627-1630; the paper by J. C. Hodgson on "An Account of the Customs of the Court Leet and Court Baron of Morpeth," in *Archæologia Æliana*, vol. xvi., 1894, pp. 52-75; *History of Northumberland*, by Rev. J. Hodgson, part ii. vol. ii., 1832, pp. 369-534; *Historical . . . View of Northumberland*, by E. Mackenzie, 1st edition 1811, 2nd edition 1825, vol. ii. pp. 177-200 (the Morpeth portions of both these county histories being also published separately). See also Report of the House of Commons Committee on Freemen, No. 465 of 1840; *Memoirs of Dr. Robert Blakey*, by Rev. Henry Miller, 1879; and *Tyne Mercury*, 1818-20, and 1st August 1830.

[2] We do not gather that the heads of the Corporation became Justices (as at Durham, Sunderland, Stockton, etc.) by having their names included in the County Commission of the Peace. What happened, as we understand it—perhaps when the Royal Charter of 30th December 1662 specifically required oaths to be taken—was that the newly appointed Bailiffs of Morpeth presented themselves (like the Mayor of Aberystwith) at the next ensuing Quarter Sessions for the County, there to take the usual oaths of office. When this was done,

It is interesting to note that what had in 1689 for nearly five centuries been called the Borough of Morpeth still remained one of the various "members" of the greater Barony of Morpeth. At the Capital Court of the Barony, attended by the free tenants of all its constituent Manors, the Bailiffs for the time being of the Borough of Morpeth appeared in respect of the Town Moor, the Borough Rents, the petty tolls, and other hereditaments held of the Lord. At the annual Court so formed, with a Homage or Jury, presentments were made of the defaults of the various Townships or Manors of the Barony, as well as those of individual offenders; Ale-tasters and Constables were presented for appointment in respect of various Manors whether or not they had Courts of their own; and pleas of debt and trespass were tried.[1]

As at Berkeley and Taunton, Alresford and Manchester, the Lord of the Barony had conceded to the inhabitants of one among his Manors, which had become both a market-place and the seat of a prosperous tanning industry, an exceptional measure of autonomy, and had called it a Borough. By a series of seignorial Charters, dating, at any rate, from the beginning of the thirteenth century, the "Free Burgesses" of the Borough had been granted at a fee farm their lands and their customs, the accustomed pasture and easements, and certain specified parcels of land, with some unexpressed degree of "freedom," but without any of the seignorial jurisdictions or Courts. By a Royal Charter of 1662 all their rights and privileges were, without enumeration, expressly confirmed, including the status as a Corporate body, and the customary markets and fairs. What we find in 1689, as down to 1835, is a curious intermingling of the authority of the Lord, exercised through the Manorial Courts held by his Steward, with the practical autonomy of the principal inhabitants, represented by the annually chosen Bailiffs, Aldermen, and Juries.

The broad base of the Municipal government of Morpeth

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the Bailiffs of Morpeth—by what authority we know not—assumed that they had "qualified as Justices," and (at any rate down to the end of the eighteenth century) exercised within the Borough, during their year of office, all the common magisterial functions, short of a Court of Quarter Sessions.

[1] MS. Records, 1696-1769, of the "Capital Court of the Barony and Castle of Morpeth."

lay, we must believe, in the three or four hundred "Free Brothers" of the seven Trade Companies, the chief among them being that of the Tanners, who were supplied with oak-bark from Lord Carlisle's woods, and who formed therefore the most subservient section of the citizens. These Companies of master craftsmen and traders, of entirely unknown origin and antiquity, met severally in their assemblies, at "toll of bell"; recruited their own numbers by Patrimony and Apprenticeship; elected annually each of them an Alderman or head, with two Proctors who kept the "box," and two Stewards who managed the Commons; levied upon their members customary entrance fees, fines, and monthly dues; provided for the funeral expenses of their members and their members' wives; paid for substitutes for such as were balloted for the militia, and made By-laws of the usual type for the regulation of their respective trades—all, it would seem, without any interference of the Lord of the Manor, by whom, however, their statutes had been approved in the fifteenth and sixteenth centuries.[1] There is some indication that they date from late in the fifteenth century, or that it was only in the fifteenth and sixteenth centuries that they received a formal sanction of their statutes from the Lord of the Manor. But there was at that time also a "Gild of St. George," and the connection between it and the crafts is not clear. The aggregate membership seems to have been about 320 in 1700, 474 in 1750, 600 in 1800, and 775 in 1830, of whom many were non-resident. The number of those who at any one time were Freemen or Burgesses seems to have varied from about 60 to 130. A few records of these Companies are in the possession of the surviving members. It may be noted as a peculiarity that a member might be admitted by Patrimony as the son of a Free Brother, whether a Burgess or not, at 14; but if by Apprenticeship he had to have completed seven years under a Burgess and be at least 21. In the two grades of Free Brothers and Burgesses; in the election of the latter by the several Companies composed largely of the former; and in the restriction of full participation in the Common Hall meetings and of the Parliamentary Franchise to the higher grade, the little Borough of Morpeth offers a curious analogy to the City of London, with its Freemen and Liverymen, not elsewhere to be found. But the Free Brothers of Morpeth had also a certain Corporate unity in their control over the valuable common pasturage of the Borough. The assembly of each Company chose annually two Stewards and a Common Driver, and it was the fourteen Stewards so elected who administered, on behalf of the whole community of Free Brothers, the four hundred acres of commons, kept a "common box" of their own, allotted to each of the Free Brothers or their widows the "stints" that constituted their individual shares, let a portion of these lands on lease, and latterly carried on a series of small improvements of the remainder. It seems, too, that although the Free Brothers were not entitled to take part in the making of By-laws for the Corporation, or to participate in the Corporation business, they were summoned to the Common Gilds equally with those of them who were also Burgesses, and were entitled to take part and to vote upon all matters relating to the common lands.[1] When in Common Gild it had been decided to alienate any part of the Corporate property, it was to the common purse of the Free Brothers that the proceeds were paid, to be immediately shared among the seven Aldermen representing the Companies and deposited by them in the boxes of the several Companies, which were guarded by the two Proctors chosen from among the Free Brothers.[2] It may well be that in these Trade Companies of the Borough of Morpeth, having their separate pecuniary and agricultural rights, making their own By-laws for their respective trades, and intimately connected, though not identical, with the Municipal body corporate, we find, as it were, "stereotyped" a typical example of the early stage of the interpolation of the Gild into the Municipal Corporation.

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[1] The Trade Companies of Morpeth, curiously resembling those of Alnwick, and less closely those of Berwick-on-Tweed and the Manorial Boroughs of the County of Durham, deserve a monograph.

But the Free Brothers of Morpeth were not full citizens of the Borough. The popular constituency which controlled the Municipal administration was that of the Freemen or Burgesses, who, chosen by the several Companies, apparently at no time comprised more than a third or a half of the Free Brothers. No one, it was held, could be admitted as a Burgess or Freeman of the Corporation who was not already a Free Brother of one or other of the Companies; and then only when presented at the Lord's Court by the several Companies in a batch of exactly twenty-four qualified candidates of full age, apportioned among the seven Companies in a certain archaic ratio in such a way as to maintain a due balance among them.[1] The Free Brothers had even a further check upon the administration. The seven Aldermen, whom the seven Companies annually elected, though not forming a Court or Assembly, formed a sort of inchoate Executive Council both to the Lord's Steward and to the Bailiffs. They "sit upon the Bench at the several Courts of the Lord of the Manor and audit the accounts of the Bailiff. . . . Each Alderman," by virtue of an order of the Lord's Court of 1513, "also keeps a key of the Town's Hutch, which is an ancient chest, and contains the records, accounts, and cash of the Corporation."[2] Moreover, if we may trust our historians, it was the Free Brothers of the seven Companies, in their several meetings assembled, who used formerly to choose two of each Company for Bailiffs, two for Constables, two for Breadweighers, and one each for Serjeant at Arms, Fish and Flesh Looker, and Ale-taster, from among whom alone these Borough officers could be appointed.[3]

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[1] See this clearly stated to the House of Commons Committee of 1840 (H. of C. No. 465 of 1840, p. 3).

[2] This was the course followed when the materials of the old bridge were sold in 1835 (MS. vol. of evidence of Woodman in the case of Mayor, etc., of Morpeth *v.* Brady, 1839).

Whilst the Free Brothers controlled the common pasture and the regulation of their several trades, it was such of them alone as had been made Burgesses or Freemen who were eligible for Corporate office in the Borough, just as it was they alone who were entitled in Common Gild to vote upon the business of the Corporation (other than that relating to the common lands), and they alone who were entitled to vote for the two members whom the Borough elected to the House of

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[1] This was so held in litigation of 1766-74 and 1802-6 (MS. Archives at Naworth Castle, bundles 56 and 57; see also *History of Northumberland*, by E. Mackenzie, 1825, vol ii. pp. 192-196).

[2] *History of Northumberland*, by Rev. J. Hodgson, part ii. vol. ii., 1832, pp. 431, 454. The Town's Hutch, with its seven locks, still stands in the Town Hall.

[3] *Ibid.* p. 432.

Commons. What exactly had been the constitutional position of the Common Gild, which was summoned by notice from the Bailiffs to the Aldermen of the several Companies, it is not easy to determine. We find it, with the participation of the Free Brothers who had not been admitted as Burgesses, governing the common lands. We find it, restricted to the Burgesses, making By-laws and coming to decisions, which are not to be distinguished from the matters dealt with in the presentments of the Grand Jury at the Manorial Courts. We find it occasionally making restrictive trade regulations apparently similar to those made by the Trade Companies. It seems to have been assumed that only by resolution of the Burgesses in Common Gild assembled could any of the real estate of the Corporation be legally alienated. It was the Common Gild which appointed the headmaster and usher of the local grammar school, at which the children of Burgesses and Free Brothers were educated free.[1] The importance of the Common Gild evidently declined during the eighteenth century, perhaps because the small class of Burgesses found itself in full control of the Manorial Courts. It was the invariable custom to choose alike for the Grand Jury and for the "Party Jury"[2] none but Burgesses of the Borough. We see the Grand Jury so formed getting into its hands the nomination of the officers of the Borough, for which the candidates had once been suggested by the Free Brothers in their Companies. Eventually we see this Jury, chosen, not by the Steward, but by the retiring Bailiffs, at what was called the "Cite Court," three weeks before Michaelmas, practically securing the appointment of most of the officers, and, subject only to a final choice by the Lord's Steward between two nominees, even the election of the Bailiffs.

What the Burgesses of Morpeth never developed was a standing Council, which might have secured effective executive control. An attempt to establish a Common Council was actually made in 1714. At the Head Court of that year we find the Grand Jury solemnly resolving that "whereas it has been found by long experience that the transacting, settling, and determining the public business of the Corporation . . . have very much suffered by the whole number of our Burgesses interposing and pretending to determine what shall be done therein, notwithstanding their great incapacity for any such purposes, for the preventing whereof . . . ordered that the number of one-and-twenty of our Burgesses and Freemen, three of them to be chosen out of every Trade, shall for all times to come act as a Common Council, and have full power and authority [to] consider, transact, and determine all public affairs abovementioned."[1] This bold experiment in constitution-making does not seem to have commended itself, for we hear no more of the proposal. Thus, during the eighteenth century, the executive and judicial authority became more and more exercised by the two Burgesses who had been chosen as Bailiffs, and who received a stipend of £10 each. Except at the three Sessions of the Lord's Court, the Bailiffs for the year were the unquestioned heads of the Borough. They sat in all seriousness as Magistrates.[2] They committed whom they chose to the lock-up at "the Clockhouse," and sent serious offenders to stand their trial at Quarter Sessions or the Assizes. With petty cases of disorder or assault, and even of theft, they dealt summarily, sentencing the criminals to be imprisoned for short terms, and to be drastically whipped.[3] They sat as judges in the Court of Pie Powder, and in this Court sentenced offenders at the fair to both fine and imprisonment. They licensed and suppressed ale-houses. They commanded the whole executive force of the little community, the Serjeant, the Constables, and the Watch. They fixed and presided at the "hirings" or "statutes," when, three times a year, the town was thronged with masters and servants of various grades, making their annual engagements.[4] They managed the periodical bull-baitings, and the occasional "treats" to the town, which we find paid for in their accounts.[1] During the latter part of the eighteenth century, when Morpeth became prosperous through its well-thronged weekly cattle markets—when the powers of Justices of the Peace were everywhere growing and the authority of Trade Companies was everywhere decaying—we see the Bailiffs of Morpeth concentrating in their hands all the executive and magisterial work. "They had," we are told, "to swear in the recruits, to commit deserters, to billet soldiers, to relieve soldiers' widows and children having passes; they had to fix the weight of bread according to the price of wheat; they had to condemn the bread under weight seized by the Bread-weighers and give it to the poor." To them all the other officers, both of the Borough and of the Parish, repaired for orders. To them came all complaints, requests, and appeals. "Their house-doors," it is graphically reported, "never rested."[2]

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[1] Woodman MSS. vol. vi. under date 1724.

[2] This Jury tried small civil suits. It is also referred to as the "Petty Jury."

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[1] MS. Court-book, Manor of Morpeth, 4th October 1714.

[2] In 1702 the Manorial Court even amerces a man for going elsewhere for justice. "We present R. W. for fetching a warrant from a Justice of the Peace against C. S. before either the Bailiffs or the Court had a hearing of it, contrary to order" (MS. Court-book, Manor of Morpeth, 22nd October 1702). Definite orders to this effect were given in 1722 (*ibid.* 1st October 1722).

[3] See a case in 1743, quoted from the records in the *History of Northumberland*, by Rev. J. Hodgson, part ii. vol. ii., 1832, p. 523.

[4] *Historical . . . View of Northumberland*, by E. Mackenzie, 1825, vol. ii p. 181.

Notwithstanding all this practical autonomy of the Free Brothers and Burgesses of Morpeth, with their elective Aldermen, their virtual control over the Juries, and their practically elective Bailiffs, there is evidence that the Lord of the Manor kept a tight grip over the town. By energetic and completely successful legal proceedings in 1603-19, he had once for all stopped the growing usurpations of the Bailiffs and Burgesses on his rights, and had reduced them to subjection.[3] He it was who built the Town Hall in which the Bailiffs sat.[4] His Steward continued annually to hold the Manorial Courts around which the whole of the local government revolved. Without the Steward's consent no Burgess could be admitted, and no appointment to office made. He had the final choice even in the selection of the Bailiffs, and a very real influence in their nomination. It is clear that from 1689 down to 1802, at any rate, the Lord kept sufficient control to ensure the return of his nominees to the House of Commons; and that from 1802 to 1832 he shared this control only with an adjacent landowner.[1] In 1690 the Lord of the Manor repaved the "High Causey" at his own charge.[2] When in 1827, as part of the improvement of the Great North Road, on which the town stood, the unevenness (and perhaps the noise) of this ancient "hog-backed pavement" of rough boulder stones had become unendurable, it was the Lord of the Manor who at last consented to replace it with the then celebrated "macadam" surface.[3] It was the Lord of the Manor who received the profits of the markets and fairs; it was, at any rate down to nearly the middle of the eighteenth century,[4] at his mill that all corn had to be ground, and at his oven that all bread had to be baked; and, in the absence of any Town Council or Close Body, it was in the Manorial Courts held by his Steward that all authority (except by way of By-laws for particular trades) was concentrated. Even the magisterial authority of the Bailiffs failed to maintain itself in rivalry. After the close of the eighteenth century, indeed, the Bailiffs appear to have let their criminal jurisdiction fall into abeyance, and there remained no other Court in Morpeth than that of the Lord, except for an occasional exercise of jurisdiction by the County Justices in Petty Sessions. Right down to 1835 it was the Lord's Court from which emanated all the appointments as well as all the legislative authority; and its Michaelmas session, the "Head Court," remained, down to 1835, the great event of the year. We are fortunate in having an account of this annual function, drawn from the recollections of those who had themselves witnessed it, with which to conclude our description of the government of the Borough of Morpeth.

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[1] Thus, in 1746, we have "A Treat to the Town at the taking of the Spanish galleon, 30s." (MS. Bailiffs' Accounts, 1730-1835).

[2] "Customs of the Court Leet and Court Baron of Morpeth," by J. Crawford Hodgson, in *Archæologia Æliana*, vol. xvi., 1894, pp. 52-75.

[3] *History of Northumberland*, by Rev. J. Hodgson, part ii. vol. ii., 1832, pp. 516-17.

[4] *Historical . . . View of Northumberland*, by E. Mackenzie, 1825, vol. ii. p. 179.

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[1] In 1724, the two Bailiffs, four of the Aldermen, and twenty-two of the Burgesses signed a servile address to the Lord, incidentally assuring him of their willingness always to act according to his advice (MS. Archives at Naworth Castle, bundle 56); see *Representative History of Great Britain*, by T. H. B. Oldfield, 1816, vol. iv. p. 309. In the middle of the century, through seignorial influence, the Tanners' Company ceased to take apprentices and let its numbers decline, so as to prevent the quota of twenty-four being made up. This long obstructed the making of additions to the number of Burgesses, which once sank to fifty, and never afterwards rose to the former proportion of the Free Brothers (see the "Narrative of the Oppressions of the Borough of Morpeth, 1775," in Woodman MSS. vol. v.).

[2] Woodman MSS. vol. v.

[3] *History of Northumberland*, by Rev. J. Hodgson, part ii. vol. ii., 1832, pp. 423, 529.

[4] The MS. Archives at Naworth Castle (bundle 55) show that this seignorial right was repeatedly enforced between 1699 and 1739.

"In the early morning of Michaelmas Monday there was an appearance of bustle in the town, a general sweeping of footpaths, repairing of pavements, and scattering of gravel to cover defects. Two men with halberts visited each public-house: they were the Ale-tasters, whose duty it was to see and report that the ale brewed was 'healthful for man's body.' At 10 o'clock the warning bell rang, fifteen minutes later the notice bell, and shortly after the meeting bell. Those whose duty it was to attend the Court had for some time been assembling at the 'Queen's Head,' where they prepared for the duties of the day by partaking of biscuits with wine and spirits. They took their places in order, first the Town's Waits, a piper and fiddler in green coats and drab knee-breeches, each bearing on his right arm a silver badge of the Corporation arms; then four Constables bearing staves with square tops, having on the sides the arms of the Lord of the Manor and of the Corporation, the old Town Cross with its flat roof and large balls at the corners, and the scales of justice; then two Fish and Flesh Lookers having staves with knives at the top; then the two Bread-weighers and Ale-tasters with their halberts; the Serjeant with his silver mace came next, followed by the two Bailiffs; then the Steward of the Court, the seven Aldermen, and the Jurymen. In the old Town Hall was a semi-circular seat raised on an elevated platform. On this the Lord's Steward, as presiding officer, seated himself, the Bailiffs, as assessors, sitting on either side, and beyond them seven Aldermen. The Serjeant placed the mace on the table opposite to the Steward, and standing beside him made proclamation. . . . Those who held lands by suit and service were then called, and where there had been a change of ownership the new owner was admitted. The roll of Burgesses was then called, 'app$^{d.}$' (appeared) being written opposite the names of those who answered to their names. . . . The Serjeant again made proclamation. . . . Those on the roll who had not answered were again called; those who, being absent, had deputed others to answer for them, who paid a penny, were marked 'ess$^{d.}$' (essoigned). Those who entered no appearance were marked 'abroad' or 'def' (default). The Bailiffs then handed to the Steward the names of those who had been summoned as the Leet Jury or Lord's Jury, to the Foreman of whom the following oath was administered. . . . Then were sworn the rest of the Homage, by three or four at a time. . . . A return was then made by the respective Aldermen of persons elected by the Companies to be admitted Freemen, who were then sworn. . . . The Jury was then charged by the Steward learned in the law, who directed them to examine and report on any matter which he thought right, after which the Jury retired, perambulated the . . . boundaries of the Borough; . . . they then sat to hear complaints, to decide them, and to prepare their report, also to nominate four Bailiffs, two Serjeants, and the other officers. The Leet Jury dined by themselves. . . . After the Lord's Jury had left the hall to make their perambulation, the Jury of the Manor Court, commonly called the Party Jury, were sworn. Their jurisdiction was in the trial of causes as in the County Court." [In 1632 there were over fifty such causes, all under forty shillings, mainly for debt, but including also breach of covenant, trespass, detinue, slander, and arrears of rent.] "The Steward, Officers, Party Jury, and those who had been admitted Freemen dined together. . . . After dining they returned to the Town Hall to attend as Burgesses the evening sitting of the Court, and to witness the appointment of officers, and thence to the houses of Bailiffs and Serjeant. . . . In the evening a procession similar to that of the morning was formed and marched back to the Town Hall, the great bell solemnly tolling for the 'dying officers.' When all were seated, the names of the Leet Jury were called, and the Foreman handed their presentments to the Steward, who, as each case was called, named a fine and entered them in the roll. Two Burgesses named by the Jury were then sworn as 'Affeerers.' These confirmed or reduced the amercement as they thought right, but could not increase or altogether dispense with it: their decision was conclusive. . . . The Jury then gave the Steward a list of the Burgesses selected to fill the various offices, four being returned for Bailiffs, two for Serjeants, etc., from which the Steward made a selection, the bell tolling for the dying Bailiffs. . . . The two new

Bailiffs were then sworn. . . . The bells then rang a merry peal for the new Bailiffs. The Serjeant . . . the two Fish and Flesh Lookers who carried a pole with a 'gully' at the top, . . . the two Ale-tasters and Bread-weighers who carried halberts, . . . the four Constables who bore staves were then sworn. After the appointment of officers the Court was adjourned by . . . proclamation. . . . The bells then rang out a merry peal, and the attendants of the Court, in procession as before, marched to the house of the Senior Bailiff. . . . After a short sitting the party in like manner proceeded to the houses of the Junior Bailiff and Serjeant, after which they all found their way home as best they could."[1]

The Mayor, Bailiffs, and Burgesses of the Borough of Berwick-upon-Tweed[2]

Fifty miles north of Morpeth, on the walled promontory between the river and the sea, stood the town and castle of Berwick-upon-Tweed—a strong defensive position, which served for centuries alternately as a frontier fastness to the Kingdoms of Scotland and England. From 1482 it was continuously in the possession of the Kings of England, having, as the last remnant of their Scotch conquests,[3] a

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[1] "Customs of the Court Leet and Court Baron of Morpeth," by J. C. Hodgson, in *Archæologia Æliana*, vol. xvi., 1894, pp. 59-73.

[2] We were kindly permitted to spend a week in the dungeon beneath the Town Hall, in which are stored the mouldering MS. Archives of the Corporation of Berwick, which begin in 1509, and richly deserve publication (see the Reports of the Historical MSS. Commission, vol. iii., 1872, pp. 308-310, and vol. xxviii., 1901, pp. 1-28). Especially valuable and illuminating is the very voluminous MS. "Case" (4 vols.), prepared from the archives in 1840 by R. Weddell, in the action (Christison and Others *v.* Mayor, etc., of Berwick) brought by the Freemen against the Town Council. We have also found useful an able article (by R. Weddell) in the *Penny Cyclopedia*, 1835, vol. iv. ; the file of the *Berwick Advertiser* ; First Report of Municipal Corporation Commission, 1835, vol. iii. pp. 1433-1450 ; Report of House of Commons Committee on Municipal Corporations, 1833 ; R. *v.* Cowle, 1759, in *Reports of Cases, etc.*, by James Burrow, 1790, vol. ii. p. 834 ; R. *v.* Langhorn, 1836, in *Reports of Cases, etc.*, by J. L. Adolphus and T. F. Ellis, vol. iv., 1837, p. 538 ; the Private Act, 6 and 7 Vict. c. 23 (1843) ; the local Histories by J. Fuller (1799), T. Johnstone (1817), F. Sheldon (1849), and J. Scott (1888) ; *The Directory of Berwick*, 1806 ; the Northumberland (and North Durham) County Histories by J. Wallis (1769), W. Hutchinson (1778), E. Mackenzie (1825), and James Raine (1852) ; and the annals of J. Sykes (1824-57) and M. A. Richardson (1841-46).

[3] Berwick was never formally incorporated in England. Until 1747,

"King's Council" of its own, a separate Exchequer and a separate Judiciary, its own Royal Courts and Royal Officers, and a permanent garrison, under whose rule the two or three hundred civilian families of traders and fishermen, though incorporated and privileged by a dozen Charters, seem to have enjoyed but scant freedom or autonomy. We get a glimpse of a body of Burgesses, forming, on the one hand, a Gild with a common stock, choosing annually its own Alderman; and, on the other, constituting (with the soldiers and the "stallingers") the Suitors and Jurymen of the Court of the Bailiff, subordinate to the Governor and the King's Council. It was the Bailiff's Court that managed the common pastures of the town,[1] that determined the obligations of the citizens, and that made all the presentments, subject always to the confirmation of the Royal Officers. What degree of autonomy was actually enjoyed by the suitors of the Court, and what exactly was the relation between those inhabitants who were Burgesses and those who were not, we have failed to ascertain. What is clear is that it was the union of the Crowns of Scotland and England, by which the town lost its military importance, that provided the opportunity for its complete emancipation, and for the concentration of all its franchises, immunities, and privileges in the hands of the Burgesses themselves. In 1603, after welcoming King James on his way to his new capital, the Mayor and two other Burgesses travelled to London, at the cost of a "cess" which had by common agreement been levied on all householders.[2] Their object was

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indeed, statutes did not apply to it unless it was specifically named. In that year it was enacted (20 George II. c. 42) that statutes applying to England should apply also to Wales and Berwick-upon-Tweed, unless they were expressly excepted.

[1] "Such only of the Burgesses, Stallingers, and certain soldiers of the garrison as had horses of their own were originally entitled to meadows, and the specific portions allotted to them were determined by a race on the morning of the Mowing Day, each claimant being mounted on his own horse. Innovations on this practice were frequent, but they never occurred without a strong expostulation from the Jury of the Bailiff's Court to the Royal Council" (MS. Case of Town Council, in the action of the Freemen against it, 1840; prepared by R. Weddell from the archives).

[2] It was subsequently alleged that the non-Burgesses had been unfairly excluded from the benefits of the Charter. In the MS. Case of the Town Council in 1840, in the action brought against it by the Freemen, the transaction is thus recounted by R. Weddell:—"On the 29th September that year a Gild was held, at which the 'Commoners of the Town' were present with the Burgesses,

the purchase of a new Charter, which they had the prudence to get confirmed by an Act of Parliament, and which practically set up the Borough as a self-governing Corporation. By this Charter the fortunate Burgesses got definitely granted to themselves alone the whole "Seignory, Manor, Borough, Town and Soc," with the water-mill and the extensive "bounds and fields of Berwick" in fee simple; whilst all the administration of the local affairs was authoritatively vested in the annually chosen Mayor and four Bailiffs, in concert with the other Burgesses, together with a Recorder and a Coroner, a Court Leet and a Court of Quarter Sessions, the community being granted a gallows and judicial powers equal to those of the King's Judges. The Mayor and Bailiffs acted jointly as Sheriff; for Berwick, not being included in any County, stood in the position of a County Corporate;[1] and the Mayor together with all the ex-Mayors, under the title of Aldermen, were Justices of the Peace.

This Charter of 1603 seems to have been the occasion, if not itself the cause, of a complete revolution in the working constitution. Hitherto the powers of the Municipal Government had been exercised in and through the Bailiff's Court, the Gild of Burgesses, under its annually elected Alderman, concerning itself, we presume, with the trade regulations and

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when the Mayor reported to the joint-meeting the proceedings of himself and his two companions at London, which were unanimously approved of by the united assembly, and he then delivered the Charter and a copy of the Act of Parliament confirming it. . . . Although the non-Freemen are thus stated to have assented to the Charter being granted to the Burgesses in exclusion of themselves, it seems quite evident that the Burgesses grossly deluded and imposed on them; and that after a most solemn promise that the non-Freemen should be partakers of the bounty to be conferred upon the Borough by King James, so far, at least, as the landed possessors granted by the Charter were concerned." See also *History of Berwick*, by J. Scott, 1888, p. 282.

[1] The Governor, who was always the officer commanding the garrison, acted as the King's Lieutenant, the Mayor being styled Deputy-Lieutenant. It must be remembered that, right down to the close of the Napoleonic wars, Berwick remained a garrisoned fortress, the old walls (which had been extended and refortified in the sixteenth century) being kept as effective defences of the port. Right down to the nineteenth century, as we read in 1799, "the ancient practice of shutting the gates in garrison towns during the night, to the great annoyance not only of the inhabitants within the gates, but also of those in the suburbs, besides to the public at large, still prevails here. . . . Physicians, surgeons, and midwives are exempted, as also persons coming for them, but neither gentlemen's carriages, postchaises, carts, nor saddle-horses are allowed to pass through the gates during the time they are commanded to be shut" (*History of Berwick*, by J. Fuller, 1799, p. 582).

other purely domestic affairs of the fishermen and traders. But directly the Mayor and his fellow-Burgesses had secured their new Charter, they seem to have transferred the administrative business of the Bailiff's Court to the Gild, the Court being thenceforth held, on behalf of the Burgesses, only as an attenuated Leet for the presentment of nuisances. From 1603 right down to 1835 it was the Gild, attended by the Burgesses, that elected all the officers of the community—not merely those named in the Charter, but also the "Alderman for the Year" and the more ancient or merely customary functionaries connected with the market, the harbour, and the extensive commonfields. It was the Gild that instructed all these officers; that gave authoritative orders to the Mayor and Bailiffs; that enacted Ordinances; and that enforced all the obligations of citizenship. And it was the Gild that became charged with the most important business of the Borough, which (as at Godmanchester and Alnwick, as well as at Morpeth) was the administration and periodical sharing of the valuable common lands. This transposition in function and importance, within the Municipal constitution, of the Gild and the Manorial Court, led to two noteworthy consequences. The Alderman for the Year, formerly the head of the Gild, was displaced by the Mayor and Bailiffs, and found himself becoming a mere executive functionary, charged with the enforcement of the Gild orders, especially those relating to trade.[1] What was of greater practical importance, the soldiers of the garrison, and what are described as the "commoners" or "stallingers," all of whom had apparently participated in the occupation of the commonfields when these were administered by the Bailiff's Court, were gradually excluded, as they could not attend the Gild, from any right of participation. For a century or so, indeed, the Gild occasionally allotted "stints" to favoured individuals who were not Burgesses, especially if they proved that their ancestors had contributed to the "cess" which bought the Charter. But by 1720 even this partial recognition of the claims of the non-Burgesses was definitely prohibited.[1]

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[1] The "Alderman for the Year" (to be distinguished from the half a dozen ex-Mayors, who were Justices, and were, as at Liverpool and elsewhere, termed Aldermen) was not named in the Charters, and had been, before 1603, the president and chief personage of the Gild. He continued to be annually elected, but as a mere subordinate officer. He was, however, always Senior Churchwarden, and until 1801 the Foreman of the Grand Jury (or "Court Leet Jury") at the Court of Quarter Sessions. Towards the close of the eighteenth century, especially after the Burgesses lost their monopoly of retail trading, his importance rapidly declined. In 1799 it could be said that "the employment of Alderman for the Year consists in doing little offices for the Mayor, receiving and presenting petitions to the Gild, etc." (*History of Berwick*, by J. Fuller, 1799, p. 241). In 1783 a motion to abolish the office as unnecessary was only lost in Gild by 35 votes to 50 (MS. Minutes, Corporation of Berwick, 2nd May 1783).

In 1689, when Berwick had still only "two streets on the side of the hill" on which its castle stood, with houses of timber and plaster "roofed with red tile,"[2] stretching down to the "stately stone bridge"[3] over the Tweed that united it with England, it offered a most complete example of a "government by public meeting," including in itself both craftsmen and agriculturists, and endowed with the fullest Municipal powers. As this "government by public meeting" persisted unimpaired right down to 1835, it is the organisation and character of the governing assembly that claims attention.

To the "Head Gild," held once a quarter, and to "Called Gilds," held at intervals as required in the old Tolbooth, and summoned by sound of the belfry bell, there came in his gown every resident Burgess of Berwick. Whatever may have been the original definition of a Burgess, by 1689 this class comprehended those who had either served a seven years' apprenticeship to a Burgess, or were the eldest legitimate sons of Burgesses, or had been so exceptionally favoured as to receive a grant of the Freedom of the Borough. The one or two hundred Burgesses attending the Head Gild in 1689 probably comprised a majority of the male heads of households, and must have included practically all the settled civilian residents of any status or importance. We must visualise them all as occupied as fishermen and petty craftsmen, shopkeepers and little merchants, timber and fish dealers, the owners and masters of the tiny fleet of sailing ships that belonged to the port, and in the various nondescript occupations of a market town that at that time served as the commercial Metropolis of its little neighbourhood. All of them, however, were also more or less interested in agriculture—keeping a beast or two on the common, occupying little crofts within the wide area of the Borough, and hiring or letting one to another the "meadows and stints" which the Gild allotted to them.

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[1] But in 1756 the Gild admitted to "stints for their own use only" the three Dissenting Ministers of the town (MS. Minutes, Corporation of Berwick, 30th January 1756).

[2] *Diary of a Tour in 1732*, by John Loveday, 1890, p. 160.

[3] "Description of Berwick" (seventeenth century), in Harleian MSS. 7017, No. 38.

The status of a Burgess was always regarded as one of value and privilege. Besides the right of attending the Gild, and thus participating personally in the government of the Borough, and of exercising the Parliamentary franchise, the Burgess valued his share in the common lands, his favoured position in respect to the various tolls and dues, his exemption from certain petty exactions, his right to gratuitous schooling for his children, and down to 1773, his exclusive privilege of carrying on trade. It was the Burgesses themselves, in Gild assembled, who determined upon what conditions new Burgesses should be admitted; and who, in the absence of appeal to the King's Courts, themselves interpreted even the ancient Chartered rights of sons and apprentices to take up their Freedom. It was, moreover, the Burgesses themselves, in Gild assembled, who disfranchised any of their number whom they thought to have forfeited their Freedom. And in these decisions upon the qualifications of Burgesses we see the Gild, between 1689 and 1835, swayed alternately by contrary impulses. On the one hand, there may be traced the natural desire of a privileged circle not easily to enlarge the numbers of those entitled to participate in the common advantages; and, on the other, the wish of individual Burgesses to get admitted those in whom they took a personal interest. Thus, we see the masters of the different crafts repeatedly petitioning for restrictions of the number of apprentices to be taken by each master.[1] We see it made part of the penalty upon offending Burgesses that they should be "incapable of ever taking an apprentice for the Freedom of the City."[2] We see the privilege strictly limited to apprentices who were actually boarded and lodged by their masters and were genuinely taught trades.[1] We see, in 1767, all the various restrictive regulations as to apprenticeship—the limits of age, of numbers, and of conditions—codified and re-enacted by the Gild.[2] When, after 1773, the Corporation was by a legal decision deprived of its power of preventing non-Burgesses from trading, the interest of the Burgesses in the annual sharing of "meadows and stints" sufficed to induce them to limit the Burgess-ship, so far as outsiders were concerned, especially when they were likely to become residents. The restrictive regulations as regards apprenticeship were in 1789 revived and enforced;[3] and by 1833 we find them greatly fortified by the exaction, on the occasion of the binding, of a fee of no less than £30. No Freedoms were granted by purchase during the whole period, whilst the free grants were restricted to a few persons of distinction who did not attend the Gild or apply for their "meadows and stints."

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[1] "The master shoemakers this day presented to the Gild a covenant or agreement . . . for restraining themselves from taking apprentices . . . and humbly desired that the same might be recorded and confirmed, and made to reach and extend in all future times to bind such persons as shall hereafter become masters of that craft." The Head Gild agrees (MS. Records, Corporation of Berwick, 20th April 1711).

[2] *Ibid.* 23rd March 1739.

On the other hand, the individual Burgesses were always wanting to bring in their own children. In 1783 it was resolved that the privilege should be extended to the second and younger sons of Burgesses on attaining the age of twenty-one.[4] Sons born before their father's admission to the Freedom were not entitled to admission by Right of Birth, and for them a merely nominal apprenticeship became recognised, in which no service or teaching was required, and no fee was exacted by the Corporation at the binding.[5] In 1800 there was even an attempt, which was during a few months successful, to open the charmed circle to the Burgesses' illegitimate sons, who, it must be said, formed a somewhat numerous company.[6]

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[1] MS. Records, Corporation of Berwick, 17th July 1740.

[2] *Ibid.* 17th July 1767.

[3] *Ibid.* 8th May 1789.

[4] *Ibid.* 2nd May 1783.

[5] First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1438.

[6] "That any natural son of a Burgess, when he arrives at the age of sixteen years, may be enrolled for the Freedom of the Corporation, provided that the father of such natural son do, within three months from the day, make an affidavit before a Justice of the Peace that he believes such son to be his, or provided the mother of such natural son do within like time make a positive affidavit in like manner that such natural son is the son of a Burgess and in such affidavit names the Burgess" (MS. Records, Corporation of Berwick, 24th March 1800). This order was, however, revoked at the same meeting, in favour of another order forbidding the admission of natural sons after the 24th June,

The combined effect of this restriction and opening, with the increase of population and trade, was to swell the number of Burgesses by 1781 to 950, and by 1833 to about 1100; of whom, however, fewer than 500 were resident. These resident Burgesses, who alone were entitled to "meadows and stints," and by whom alone the Gild was attended, represented, even in 1833, a third of all the households of the Borough, some being well to do, others very poor. On the other hand, two-thirds of the ten-pound householders, including some of the richest merchants and traders, were by this time outside the circle.

It is a peculiar feature of the Municipal constitution of Berwick that, notwithstanding the growth of the attendance at the Gild from under a hundred in 1689 to three or four times that number in 1835, it at no time succeeded in creating a real executive council, empowered to act on behalf of the Corporation. This was not for lack of attempts. We need not recount the series of abortive experiments of the seventeenth century: the employment, at intervals between 1603 and 1659, of the twelve "affeering men," presumably from the Bailiff's Court, as a kind of executive; and the holding, by the leaders, of a "Private Gild," a "Twelve,"[1] or "Common Council," which got embodied under the latter name in the short-lived Charter of 1684. In 1689 the Burgesses were in revolt against "Private Gilds," and for half a century they would not tolerate any standing committee of any kind—employing, for all executive business, either the Mayor and Bailiffs, or the Justices, or the Alderman for the Year; or, very grudgingly appointed special committees of temporary duration and strictly defined powers. In 1733, however, we find appearing a "Committee of Work," and then a "Grand Committee," consisting of all the officers and ex-officers of the Corporation, which continues to exist, and to be annually reappointed for many years. But this Grand Committee, like the various special committees, was essentially only a

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next following; except where the parents were lawfully married within twelve months after the birth, when the sons could be admitted at twenty-three. This led to a rush of mothers making affidavits, and in the following September the admission of natural sons under any conditions was forbidden (*ibid.* 15th April, 20th June, and 5th September 1800).

[1] *History of Berwick*, by J. Scott, 1888, p. 258.

committee to consider and report to the Gild; and the Gild never fell into the habit of adopting the reports of its committees as a matter of course. It was in vain that the Mayor, in 1831, strongly recommended the Gild to appoint a Standing Committee of thirteen of its most trusted members to act as its Executive, to consider all motions before they came on, to examine all accounts, and to supervise all works. The jealousy of the Burgesses of any other authority than their own public meeting was not to be overcome by any promise of greater efficiency or economy. As the Borough grew in size, and its business in amount, the only resource was to have more frequent Gilds. What had originally been only a quarterly meeting (known as "Head Gild") became, by 1740, something like a meeting every fortnight; and by the end of the eighteenth century, what with "Adjourned Gilds" and "Called Gilds," "Meadow Gilds" and "Stint Gilds" and "Incomers' Gilds," a meeting every week. Between 1829 and 1833 there were actually about seventy Gilds a year, often on successive days.[1]

For some time after the Revolution the powers and functions exercised by the public meeting of Burgesses of Berwick were quite unusually varied and extensive. In succession to the Merchant Gild, the Burgesses, in Head Gild assembled, still regulated in elaborate detail the conditions under which the craftsmen worked, whether as masters, journeymen, or apprentices. They decided whether or not they would allow this or that "foreign" workman or trader to come into the Borough to carry on his trade, "there being no Burgess in town of that business,"[2] or considering themselves "at present very ill-served"[3] by such as already carried it on. They would grant express permission to an apprentice to remain in the country on account of his health,[4] or allow him to go on a sea-voyage, or give him leave to travel for a year in pursuit of experience in his craft. They would even expunge the name of an unsatisfactory apprentice from the roll, and so debar him from taking up his Freedom, and thus even from remaining in the town, as being "not a fit person for this Society, being a drunkard, and suspected of thieving and other wicked practices."[1] Nor were the masters any more free from Corporation control than the apprentices. In 1755, for instance, it is ordered—"Forasmuch as several of the Burgesses . . . interfere with the other Burgesses in mechanical trades that they are not bred to, it is therefore ordered that from henceforth no Burgess follow such mechanical trade that another Burgess follows, if he has not been bound to the same."[2] And if the Burgesses of a particular craft took advantage of their monopoly to charge too high prices, the Gild might even, in an extreme case, break out into "Municipal trading" in order to check their extortion. Thus, in 1797, when the bakers with one accord refused to bake at the prices fixed by the Assize of Bread, and would not even sell meal, the Gild ordered £200 to be laid out in corn, to be ground and sold, in order to enable the citizens to bake their own bread; deciding at the same time that any profits made by this enterprise should be given to indigent widows of Burgesses.[3]

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[1] MS. Minutes, Corporation of Berwick, 1829-33. These Minutes of five years fill a thick volume.

[2] MS. Minutes, Corporation of Berwick, 31st March 1740.

[3] *Ibid.* 4th February 1748.

[4] *Ibid.* 6th August 1748.

But besides the trade regulations, the Gild had to fulfil all the ordinary functions of a Municipal Corporation. It held the great annual fair and regulated the bi-weekly market, "reckoned the greatest corn-market for many miles round, or in the North of England." The streets of Berwick were, in fact, crowded every Saturday with country people bringing poultry, eggs, etc. "The Court Leet," we are told, "attend at the gates to weigh the butter as it comes into the town, and take all that is short weight. The Toll-keeper gets an egg from every basket or hamper if there be thirty in it."[4] The Gild looked after the quay, and the wonderful stone bridge[5] of fifteen arches across the Tweed, towards which the National Government contributed £100 a year; it commanded the householders to do, each in front of his own house, the paving, cleansing, and lighting the streets;[1] it paid for the removal of the refuse; it appointed a Common Scavenger at £6 a year, and supplied him with two "Town's Carts," with which to clear out all places not being householders' frontages;[2] it maintained the whole water supply of the Borough, eventually laying on "sprigs" or pipes to the separate houses at the nominal charge of five shillings a year each; it even provided fire-engines for the protection of what gradually became a crowded town of some ten thousand inhabitants. Nor were the mental needs of the citizens neglected. The Gild maintained several schools for the gratuitous instruction of Burgesses' children, others being admitted for a small fee. It maintained the church, and paid the salaries of the Vicar, the "Afternoon Lecturer," the Sexton, and the Parish Clerk. It appointed the four Churchwardens, whose office was no sinecure. Right down to the nineteenth century they were "obliged to parade the streets every Sunday and inspect the public-houses"—of which there were no fewer than sixty-six—"in time of Divine Service, to prevent drunkenness and tippling."[3] The Corporation even kept the poor, partly out of its own funds, and partly by means of an occasional "cess," or Poor Rate, which the Mayor and Aldermen levied. The vagrants were dealt with by the Corporation Beadle whom the Gild appointed, with a gown and staff, a dwelling-house of his own, and his "meadows and stints." The regulation of the fields and the streets was in the hands of the Fieldgrieves, the Deacon of the Shambles, the Town Crier, and the Keeper of the Exchange, all of whom were elected by the Gild. The Gild appointed also the Municipal musicians, "four men called Town Waits," whose business it was "to walk before the Mayor, Recorder, and Justices, playing on violins all the way to and from the church on Christmas Day, the day of the election of a Mayor, and on the 5th of November. . . . They have a very large blue cloak faced with gold lace, and a big cocked hat, also laced with gold, which they wear on these occasions. . . . Six weeks before Christmas they generally serenaded the sleeping inhabitants. Their salary was £8 a year."[4] The

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[1] MS. Minutes, Corporation of Berwick, 14th September 1739.

[2] *Ibid.* 31st January 1755.

[3] MS. Case, in Corporation Archives, p. 727.

[4] *Directory of Berwick*, 1806, p. 74.

[5] Berwick Bridge, over which passed all the vehicular traffic between Edinburgh and England, was built 1611-1634, out of Royal grants, in substitution for an ancient wooden bridge belonging to the Crown. Charles II. in 1667 granted the Borough an annuity of £100 towards its maintenance, which sum is still paid by the Treasury.

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[1] MS. Minutes, Corporation of Berwick, 24th April 1713, 19th January 1721.

[2] *Ibid.* 19th January 1721.

[3] *Directory of Berwick*, 1806, p. 72.

[4] *History of Berwick*, by J. Fuller, 1799, p. 446; *History of Berwick*, by F. Sheldon, 1849, p. 286.

Gild even felt itself called upon to provide for the defence of the town against a foreign invader, and to discharge distinct military obligations to the nation. The Burgesses themselves did not want to serve in the militia, even when they were drawn to serve, but the Gild always paid for substitutes for them. It offered liberal bounties, in addition to anything given by the government, for recruits for both the army and the navy, whenever men were needed. In 1793, moved by a tale of the soldiers' suffering, the Gild ordered fifty pounds' worth of shoes to be sent to the British forces on the Continent; directing, be it noted, the whole sum to be expended within the Borough. In 1797 and 1798 the victories of Duncan and Nelson were recognised by votes of fifty pounds for the sailors' widows; and Trafalgar and Waterloo were similarly appreciated at a hundred guineas each. In 1794 the Gild subscribed £100 to equip two companies of volunteers which were raised in the town. And in 1798, when things were almost at their blackest, the Berwick Corporation subscribed from its Corporate funds no less than £1000 to the Government for national defence; though the patriotism of the Burgesses drew the line at personal contributions, the Gild summarily rejecting a proposal that each Burgess should forgo, for the same purpose, one-seventh part of his "meadows and stints."[1]

What threw considerable work upon the principal members of the Gild, whom it appointed in succession to serve as Mayor or Bailiff, was the control of the Constables, and the administration of both civil and criminal justice, which was entirely in their hands, irrespective of the gravity of the offence or the amount at issue. For Berwick-upon-Tweed, not being included in any County of England, enjoyed a judicial position of unique independence, having its own gallows and remaining unvisited even by the King's Judges on their Assizes. After 1689 we find the Mayor and Bailiffs still holding their own "Land Court" or "Court of Pleas," in which civil actions of all kinds, and for any amount, were disposed of, without appeal, by their own unaided wisdom.[2]

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[1] MS. Case, in Corporation Archives, p. 516.

[2] Cases could, of course, be removed by certiorari to the Courts at Westminster, and it was eventually held that they could be begun either in the

The criminal jurisdiction, exercised by the Mayor, the Recorder, and the Aldermen or ex-Mayors, extended from the smallest "Leet" nuisances up to capital offences and even treason. How exactly these functions were apportioned, among the "Bailiffs Court," the "Court Leet and View of Frankpledge," the "Private Sessions," the "Court of Quarter Sessions," and the "Court of Gaol Delivery," all of which the Mayor and Aldermen held as and when they liked, remains, after much study of the elaborate and well-kept records, still obscure to us.[1] We find the Mayor and Aldermen indiscriminately suppressing nuisances, making ordinances forbidding particular practices, fining for petty police offences, and inflicting imprisonment for serious crimes. We gather that the Court Leet was merged in the Court of Quarter Sessions until about 1773; and that it was subsequently again separated, to be thenceforward held by a Steward appointed by the Gild. We learn that the Recorder was sent for to sit whenever any very grave offence had to be tried. We find the gallows blown down in 1768, not again to be erected, the Mayor and his fellow-Justices preferring to petition the Crown for the commutation of the death penalty to transportation for life.[2] But right down to 1835 the little shopkeepers and master-mariners, fish-dealers and corn-

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Borough Court, or in the Courts at Westminster. In 1759, for instance, two Burgesses who had been indicted for riotous behaviour at a Gild, refused to appear, and applied to the Court of King's Bench, alleging that a fair trial was impossible at Berwick. The Corporation resisted the application, alleging that the King's writ did not run in Berwick. Lord Mansfield held that actions could be begun in either Court, and removed the case for trial at the Newcastle Assizes (R. *v.* Cowle, in *Reports of Cases, etc.*, by James Burrow, 1790, vol. ii. p. 834; *History of Berwick*, by J. Scott, 1888, p. 230).

[1] The records of the Berwick Court of Quarter Sessions—half among the Municipal archives and half with the Clerk of the Peace—extend from 1685. From the first there are abundant entries of Leet character intermingled with the criminal cases. From 1725 to 1773 the Court is termed "Gen. Quar. Sess. Pac. Cur. Leet et Visum. Frankplegii," there being a "Grand Jury" or "Court Leet Jury," but very seldom any second (or "Traverse") Jury. After 1773 the references to the Leet disappear, and with them the presentments, ordinances, etc., of Leet character. Later we find the Gild appointing a Steward or "Bailiff of the Court Leet for the Manor, Borough, Town, and Soc of this Corporation," who holds a separate Court Leet, with a distinct "Court Leet Jury," whom we find, in 1799, setting forth "that the sum of one pound five shillings allowed by the Corporation was very insufficient to defray their expenses" (MS. Minutes, Corporation of Berwick, 8th November 1799).

[2] *History of Berwick*, by J. Fuller, 1799, p. 159; MS. Letters, Corporation of Berwick, 1813-16 (cases of coinage and highway robbery).

merchants, who took it in turns to be Mayor of Berwick and sat ever afterwards as Justices, ordered scolds to be ducked, and vagrants and petty thieves, male and female, to be whipped through the town;[1] committed unfortunate debtors to confinement in the upper story of the Town Hall, which had, in 1754-1761, been substituted for the ancient Tolbooth; sentenced hardened offenders to imprisonment in their own dungeon; and even inflicted on felons the penalty of transportation for life.

But by far the most important part of the business of the Gild, at any rate in the eyes of the Burgesses, was the administration of the valuable landed property of the Corporation, and especially the allotment of "meadows and stints" among the resident Burgesses and Burgesses' widows. Of the ancient commonfields of the Manor of Berwick, there had come to the Corporation in fee simple about 4500 acres. A large part of this remained as common pasture, the "stint" of each Burgess being determined at a "Stint Gild" held annually at the Town Hall. The "stint" or privilege of pasturing so many beasts was strictly confined to resident Burgesses and Burgesses' widows; and there are repeated prohibitions of the letting of stints to outsiders or non-residents. The Gild itself settled how the pastures were to be used and at what dates: putting the cows in such and such a field, the horses into another, and the "yeald" or fattening cattle into another.[2] The Gild provided one or more bulls. The beasts were looked after by Cowherds whom the Gild appointed. The Field-grieves kept the Pound, were in charge of the Corporation bull, and saw to it that the regulations were observed; the Corporation Farrier viewed the cattle so as to exclude scabbed, glandered, or infected beasts from the herd, and the Molecatchers[3] kept the pastures free from molehills. What was peculiar to Berwick, so far as the period 1689-1835 is concerned, was, however, the extensive allotment of crofts in severalty. A large part of the town lands consisted of valuable hay meadows, which we find in the sixteenth century annually divided up on "Mowing Day" by means of a primitive scramble, each Burgess on his own horse riding as hard as he could to the particular plot he desired. At the beginning of the seventeenth century this tumultuous annual sharing out was superseded by the permanent allotment to each Burgess for his whole life of one small croft. Throughout the eighteenth century we have a "Meadow Gild" held annually in October, at which the crofts, which varied not only in quality but also in extent from one and a half to four acres, that had become vacant by the death of a Burgess during the preceding year were reallotted to the Burgesses who were not yet provided with crofts, the Mayor, the Bailiffs,[1] the Recorder, and the Aldermen for the Year having first their choice, and the senior Burgesses in succession. The "meadows" so allotted could be cultivated in the customary manner or as the Gild might direct,[2] either by the occupying Burgess himself, or by some person to whom he let the same. Each "meadow"

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[1] The Mayor was allowed "threepence a piece for every person who was included in every pass signed or given by him to any vagrant" (MS. Case, in Corporation Archives, p. 726).

[2] "Ordered that the yeald or fattening cattle this year be put into Baldersbury, and that the horses be put into the fattening where the cows were last year . . . that the cows be put into the cow close on Monday, 6th June, the yeald beasts into Baldersbury on Tuesday, the 7th, and the horses into the fattening close on Wednesday, 8th" (MS. Minutes, Corporation of Berwick, 20th May 1743).

[3] The Corporation Molecatcher (whose office was abolished in 1804 in a fit of economy; see MS. Minutes, Corporation of Berwick, 3rd Jan. 1804) had

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developed out of a more primitive co-operation. In 1607 the Gild ordered that every person who had forty sheep should find a man for a day, and so in proportion, "to spread the molehills in the East Field" (MS. Case, in Corporation Records, p. 285).

[1] In 1712 it was felt as a grievance that this prerogative of the Bailiffs gave an unfair advantage to young men chosen to fill that office, who thus got the best meadows to the detriment of their undistinguished elders. The Act incapacitating Returning Officers from serving more than one year (9 Anne, c. 20) was therefore made the occasion for resolving that the Bailiffs should enjoy their acres for their year of office only, so as not to prejudice "the common Burgess in no office" (MS. Minutes, Corporation of Berwick, 21st March 1712). In 1734 the Bailiffs of less than three years' service were further restricted in their choice to meadows of two acres only (*ibid.* 19th July 1734). Twenty years later it was sought to carry this even further. "The Gild having duly considered the motion made last Gild, that such new Bailiffs as might be hereafter elected into that office should only choose their meadows according as they stood in the Gild roll before such election, are of opinion, *as the Bailiffs are a part of the Sheriff*, and thereby liable to [fines for] escapes, and have other extraordinary trouble, that they well deserve all the privileges they now enjoy, and hereby order that they shall hereafter have the same as formerly" (*ibid.* January 1754).

[2] Thus it was ordered by the Gild in 1694 that Burgesses and Burgesses' widows "that have a mind to improve their meadows in the Tirlehaugh by ploughing up the same, to free them of burrs or other trash, may have liberty to do the same, they sowing it after plough with either hempseed or hayseed" (MS. Minutes, Corporation of Berwick, 30th November 1694).

was considered to be worth between £5 and £15 a year to the three or four hundred elder Burgesses who enjoyed this perquisite.[1] To enable a larger number to participate, the device of allotment in severalty was gradually extended, from 1759 onwards, to part of the common pasture. From this date we see first one field and then another being thus enclosed by the Gild, and divided into small farms, to be occupied for twenty-one years, at first under tillage, and the last seven years under grass. Shares in these farms, which from their origin were called "stints in lieu of meadows," seem to have been allotted by the Gild to about 160 of the other Burgesses, at first perhaps in order of seniority, in the same manner as the meadows. In 1833 there were also forty-five farms, let for rentals amounting altogether to over £3000 a year, which was divided among both sets of Burgesses and Burgesses' widows as "stint money," producing £7 or £8 a year to each.

But the property of the Mayor and Bailiffs and Burgesses of Berwick was not confined to the three or four thousand acres of "meadows and stints" which one way or another they shared among themselves. The Corporation was also the owner of such varied and valuable possessions as made it the greatest rent-receiver in the Borough. The "Treasurer's Farms," being those portions of the common lands which, in spite of the cupidity of the Burgesses for individual allotments, had come to be let for Municipal revenue, gradually mounted up to a considerable annual rental.[2] There were quit-rents and houses in the town itself, which yielded in 1833 nearly £500 a year. There were "water sprigs" in the town, or nominal payments for separate pipe deliveries, which mounted up to £75 a year. There were the profits of the Manor of

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[1] In 1836 there seem to have been 333 such meadows in separate occupation, amounting to 510 acres, worth no less than £1783 per annum (*The Rent Roll of the Corporation of Berwick*, 1836); besides equivalent "stints in lieu of meadows" let for the benefit of 163 other Burgesses (Act of 6 and 7 Vict. c. 23, 1843).

[2] Occasionally, as in 1780 and 1792, a thrifty Gild would prefer to let a farm to the highest bidder — a course which inevitably provoked discontent among the rank and file of Burgesses, and was apt to be revised (MS. Case, in Corporation Archives, pp. 503, 512). Gradually, however, the financial embarrassments of the Corporation led to some of the farms being let in aid of the Corporation revenue, and these were known as "the Treasurer's Farms" (First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1443).

Tweedmouth and Spittal,[1] which had belonged to the Berwick Corporation since 1657. There were valuable salmon fisheries in the Tweed which let in 1738 for £222 a year "and a carling salmon to Mr. Mayor."[2] There were collieries and quarries on the river bank which produced a considerable steady income of royalties. There were sawpits and lime-kilns and flour mills and ropewalks and brickfields. There were the Quays, which could be "staked out in shares" and let by auction to the merchants.[3] The Corporation had even made a profitable speculation in the tithes due from all the lands within the Borough boundaries. It was part of the craving for autonomy that the Burgesses should resent the coming in of the officers of the Dean and Chapter of Durham, to whom the tithes belonged; and it was an object also with the individual allottees of "meadows and stints" to hold them tithe-free. The Gild therefore set itself to acquire the tithes, which it took on a terminable lease, to be periodically renewed for a substantial fine. The Gild then remitted all tithe on the lands occupied or enjoyed by Burgesses, and let the rest for a sum which in 1833 reached no less than £648 per annum. Finally, when everything else had been let, there was the "Grand Farm"—the right to levy the harbour dues, the market and other tolls, and certain ancient revenues known as "chantry" and "Borough Mail" rents—which was for centuries annually put up to public auction and sold for a year to the highest bidder: in 1738 yielding £400; in 1795, £810; but falling again to £455 in 1801, and £555 in 1803. So firmly rooted in the minds of the Burgesses was the feeling that none but Burgesses must be permitted to share in the business of the Borough, that they refused even to accept biddings for the "Grand Farm" from any outsider. The result was that a few of the more wealthy Burgesses contrived to get the Grand Farm, year after year, knocked down to them in Gild at rentals below its real value. In 1804 some glimmering of this seems to have penetrated to the Gild, which resolved to collect these revenues by its own officers, who received no less than £1205 net. Taking all these properties into account, the total revenue at the disposal of the four to five hundred resident Burgesses of Berwick—in addition to the "meadows and stints" which they were sharing among themselves, to the value, it was computed, of some £5000 annually—came in 1833 to over £4000 a year with which to meet the salaries of their officers. But, as we shall now describe, they had, by that date, "outrun the Constable" to the extent of £55,000, involving an annual charge in annuities and interest of some £3000 a year The Corporation for all its ownership of property worth a quarter of a million sterling was therefore chronically hard up.

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[1] The Manor of Tweedmouth and Spittal, lying on the English side of the Tweed, had been purchased by the Corporation of Berwick in 1657 for £570, in order to secure control over both banks of the river and to put a stop to the gatherings of disorderly characters which took place there (*History of Berwick*, by J. Scott, 1888, p. 215). The Manor has ever since continued to belong to the Corporation, and the boundaries of the Borough were, in 1835, extended so as to include it. We have already described (on p. 95) the Lord's Court held there on behalf of the Corporation. The Manor proved to contain collieries, quarries, and limestone pits, besides valuable building sites and fisheries, from which the Corporation derived a large rental.

[2] MS. Minutes, Corporation of Berwick, 10th October 1738. In 1833 they only yielded £136 : 10s. (First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1448).

[3] MS. Minutes, Corporation of Berwick, 5th December 1740.

The political student will ask how this government by a "Town's Meeting," possessed of extensive property, and wielding powers of extraordinary extent and variety, compares with the government by Common Council that we described in the last chapter. In particular, did the Berwick Gild escape the disintegration and unpopularity which brought low both the best and the worst of the Close Corporations; or the dishonesty and corruption for which some of them became notorious?

It must be said that the Gild of the Burgesses of Berwick started well. At the close of the seventeenth century, as we have seen, it was really a representative Town's Meeting, including practically all the substantial residents. It felt itself under an obligation, in return for property and privileges, to provide all the public services of the little community. But quite early in the eighteenth century we notice the influence of two invidious tendencies which were to prove its ruin. Those who attended the little meeting of Burgesses did not fail to realise that the less that they voted for public objects, the more there would remain to divide, in one form or another, among themselves. And it very quickly became apparent that the amount to be shared each year could be increased by various forms of drawing upon the future. The evasion of public charges began early in the eighteenth century.[1] Already in 1729 we find a committee, appointed to inquire into the Corporation finances, suggesting that the Gild might relieve itself from embarrassment by ceasing "to maintain the aged and impotent poor . . . and divers orphans and bastards"; and "the yearly repairs of the Church and Churchyard wall, and the utensils in the Church"; throwing these charges upon rates to be levied on all the parishioners.[2] In 1732, accordingly, the Churchwardens were ordered to levy a rate "to ease the Corporation."[3] In 1743 a similar resolution was passed.[4] Presently we see the Gild definitely repudiating all obligation with regard to the poor, and instigating the establishment of a new body, the Trustees of the Poor, who were annually elected at a parish meeting, and who levied a regular Poor Rate.[5] About the same time it seems to have occurred to the Mayor that the Burgesses might, under the Act of 1 George I. st. 2, c. 52 (1715), shift the expenses of the scavenging from their shoulders. Already in 1722 we see the Mayor and Justices levying a Scavenger's Rate on all the householders. In 1730 the then Mayor again commended this resource to the Gild, and at the following meeting another Scavenger's Rate was ordered to be levied.[6] The next charge to be shifted was that of the maintenance of the roads, and especially of the great thoroughfare between Edinburgh and London which passed through the Borough. As the principal landowners and occupiers, the Burgesses had heretofore maintained all the roads within their boundaries. In 1747, however, we see the Gild gladly joining with the landowners of the adjoining County of Berwickshire in getting a Turnpike

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[1] It is to be noted, moreover, that the assessments on the Burgesses for special expenditure "for the fields" or "for repairs of Corporation property," which had been frequent in the seventeenth century, were all discontinued in the eighteenth (MS. Case, in Corporation Archives).

[2] MS. Minutes, Corporation of Berwick, 16th May 1729.

[3] MS. Case, in Corporation Archives, p. 432.

[4] "The Gild considering the great expense the Corporation is at in supporting the poor of the Parish, and finding it a burden hardly to be borne in their present circumstances, notwithstanding that the Parish, and not this Corporation, ought to support the poor; it is by this Gild recommended to Mr. Mayor and the Justices to meet and lay on a parish tax in order to ease the Corporation in their vast expense in taking care of the poor" (MS. Minutes, Corporation of Berwick, 21st September 1743).

[5] *History of Berwick*, by F. Sheldon, 1849, p. 318.

[6] MS. Minutes, Corporation of Berwick, 4th December 1730, 5th March 1731

Act, which, however, did not become law until 1759. By this Act the main thoroughfare of the Borough of Berwick was handed over to a body of Turnpike Commissioners, who thenceforth levied a toll upon all travellers.[1] The same process was presently gone through with regard to the paving and lighting of the streets. In the middle of the century, when there was a demand for better public lighting, the Gild rashly ordered lamps to be erected, but rescinded the order on learning that it would involve an expenditure of £80 a year.[2] Matters remained for years in abeyance, the Gild resolving in 1776 to get a Local Act; then reversing its decision; then again agreeing twenty years later, on realising that "the Corporation will get rid of an annual expense they have been at for some years past of allowing five shillings for each lamp lighted in the town, on which account they last year paid £25, which is much more than the interest of the money that the Act will cost, and from which the Corporation will for the future be entirely relieved, by the expense of lighting being defrayed by a rate."[3] Accordingly, in 1800, Parliament put the paving and lighting of the Borough in the hands of a body of Improvement Commissioners, with power to levy a ninepenny rate.[4] Presently the pier and haven, on which the trade of the Borough depended and from which the Corporation had drawn an income for centuries, fell seriously into disrepair. Rather than encroach on the dividends which the Burgesses practically allowed themselves, they resolved to transfer the haven and pier to a new body, the Harbour Commissioners, established by Local Act in 1808, to whom the Gild willingly surrendered both its harbour dues and its onerous liability to rebuild the pier, cleanse the harbour, and maintain the quays.[5] Finally, in 1828, the Burgesses managed to escape even the charge for the maintenance of their prison and for the administration of justice, which may probably have been the principal obligation in return for which the Corporation originally received its privileges and its property. As Berwick was not in Scotland,

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[1] MS. Minutes, Corporation of Berwick, 6th February 1747; 33 Geo. II. c. 56; 27 Geo. III. c. 89.

[2] MS. Minutes, Corporation of Berwick, 9th May 1755.

[3] *Ibid.* 21st and 24th December 1798.

[4] 40 Geo. III. c. 25.

[5] 48 Geo. III. c. 104; *History of Berwick*, by J. Scott, 1888, pp. 231-232; First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1448.

and was not included in any County of England, it stood in much the same position as a County in itself. Though it had never been created a County Corporate, counsel advised that its Court of Quarter Sessions might lawfully levy a rate in the nature of a County Rate, to defray the cost of vagrants, the maintenance of the prisoners in gaol, and the salary of the High Constable, who was thereupon appointed. Some of the ratepayers protested, but the new rate was upheld, and became thenceforth an annual impost.[1] Thus, by 1830, in the course of a hundred years, the Corporation of Berwick had unloaded on the inhabitants nearly all its Municipal functions; at the cost of setting up in the Borough half a dozen separate local authorities, each of them levying its own revenue in rates or tolls, each of them acting more or less in rivalry with the Gild, and one of them—the Parish Vestry—eventually claiming to be the representative body of the town.[2]

Meanwhile the law courts had withdrawn from the Gild what had probably been its original function, namely, the control of the manufacture and sale of commodities in the Borough. In 1773 a "foreigner"—that is, a non-Burgess—had, in defiance of the Corporation, opened a draper's shop in the Borough. As he persisted in his defiance, the matter came before the law courts, the cause being tried at the Newcastle Assizes, when a verdict was given against the Corporation. "All the evidence," writes the Recorder apologetically to the Mayor, "that was possible to be laid before the Court in support of the custom was produced," but "two witnesses . . . proved a variety of instances of non-Freemen carrying on different branches of business, without being licensed or interrupted by the Corporation. And as such causes" (*i.e.* attempts to support exclusive privileges of trading) "are in the eyes of most jurymen injurious to the public . . . they generally construe them *stricti juris*, and, indeed, the Judge upon the trial directed them to do so."[3] The Gild found itself unable to contest the decision, and accordingly ceased to prevent non-Freemen carrying on trade. This loss of function had, as we have already mentioned, an indirect effect upon the membership of the Gild. It ceased to be necessary to provide for keeping up the supply of Burgesses engaged in all the various trades; and the avenue of apprenticeship was obstructed by the exaction of a £30 fee. On the other hand, every father was allowed to extend the profitable privileges of the Burgess-ship to all his sons whatever their occupations. The Gild, accordingly, quickly lost its character of an association of all the traders and craftsmen actually carrying on the work of the town, and became a mere hereditary caste, interested only in the Corporation property.

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[1] MS. Case, in Corporation Archives, pp. 477, 485; MS. Minutes, Court of Quarter Sessions, 21st July 1828; R. *v.* Justices of Berwick, in *Reports of Cases, etc.*, by R. V. Barnewall and C. Cresswell, vol. viii., 1829, pp. 327-334.

[2] On the passing of Sturges Bourne's Acts of 1818-1819, the body of Trustees of the Poor, which had long been elected annually by the Parish Meeting or Vestry, was replaced by a "Select Vestry" as provided by those Acts (*History of Berwick*, by F. Sheldon, 1849, p. 318).

[3] MS. Minutes, Corporation of Berwick, 8th October 1773; *History of*

Unfortunately, it was exactly in the management of its property and the disposal of its funds that this "government by public meeting" was seen at its worst. We see it, at the start, under exceptionally favourable conditions, with unencumbered property of an annual value exceeding all its outgoings, and steadily increasing in yield in proportion to the growth of expenses. If the Gild had used its property to the greatest advantage, and had each year shared among its members the surplus remaining over after defraying all the public expenses of the Borough, it would only have been acting in accordance with the law and with public opinion. But the Burgesses of Berwick were not content with so modest a dividend. As we have seen, they strove, for a whole century, to unload upon the ratepayers one public service after another, so as to have a larger amount to divide among themselves. What was even worse, they contrived such a method of division, as constantly to share out more than the real annual surplus, and thus, especially after 1792, to run the Corporation progressively into debt. When the effect of this policy became apparent, and their finances became seriously embarrassed, nothing would induce them to forgo any portion of the share that they were annually allotting to themselves.[1]

Berwick, by J. Fuller, 1799, p. 160; *History of Berwick*, by F. Sheldon, 1849, p. 295; *History of Berwick*, by J. Scott, 1888, p. 229.

[1] Already, in 1710, a committee on the finances recommended, in order to stop the annual deficits, the letting of some of the common lands to the diminution of the stint of each Burgess, and the assessment of each Burgess to "scot and lot" according to his ability. The proposal was resisted, and had to be abandoned (MS. Minutes, Corporation of Berwick, 24th February and

Thus, the Burgesses of each successive generation not only evaded their obligations: they persistently encroached on the future. All this sprang from the practice of not sharing out an actual surplus, but of allotting the common land in severalty to individual Burgesses. The allotment for life, or for twenty-one years, of "meadows and stints" was equivalent to the elevation of the dividend to the rank of a fixed charge, which could not be diminished when the surplus fell off. The evil was aggravated by the habit of the public meeting of Burgesses to vote itself additional boons, which, though individually unimportant, were permanent and cumulative in their effects. The Gild exempted all the Corporation property from tithes; it paid all the rates and taxes—even the heavy Property and Income Taxes of the Napoleonic wars—on the "meadows and stints," so that their occupiers might enjoy them absolutely gratuitously; it provided bulls,[1] cowherds, farriers, mole-catchers, and every conceivable convenience for the Burgesses' agriculture; it allowed them to take stone, lime, and coal from the Corporation land, free or at nominal rates; it exempted them from market tolls; it gave them partial exemption from the Town Dues; it paid for their substitutes when they were drawn for the militia;[2] it relieved such of them "as shall

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17th March 1710). In 1729, when the debt had grown to £2659, a Burgess offered to give £1000 a year rent for the common lands, keeping them in grass, and thus pay off the debt at the cost of three years' intermission of the Burgesses' pasturage. A committee recommended acceptance of this offer, but the Gild indignantly refused it (MS. Case, in Corporation Archives, p. 424). The Gild began to sell life annuities in 1738, as a means of raising money; agreeing, for £100, to pay £10 a year (*ibid.*). In 1792, after some years of rapidly increasing rentals, the debt was still only about £3000; in 1800 it had grown to £9530; by 1810 to £18,212; by 1815 to £27,740; by 1820 to £38,328; by 1825 to £45,830; and by 1832 to £55,011 (First Report of Municipal Corporation Commission, 1835, vol. iii. p. 1448). In 1817, when a committee reported that the Corporation had increased its indebtedness by £18,441 in nine years, the committee's recommendations for reducing the Burgesses' advantages were defeated in favour of rival and less onerous proposals, drawn up by "a private meeting of the lower order of Burgesses who called themselves the Association" (MS. Case, in Corporation Archives, p. 551; MS. Minutes, Corporation of Berwick, 30th July 1817; *History of Berwick*, by J. Scott, 1888, p. 277). Not till 1827 did the Burgesses consent to any personal contribution; and then only to a tax of 10 per cent on their "meadows and stints" (MS. Minutes, Corporation of Berwick, 17th October 1827).

[1] In 1739 a Burgess was paid £20 "for furnishing bulls for the cattle belonging to the Corporation" (MS. Minutes, Corporation of Berwick, 24th April 1739).

[2] This came, about 1804, to £298 in one year (MS. Case, in Corporation Archives, p. 531).

happen to be afflicted with sickness, bodily infirmity, or old age attended with extreme poverty";[1] it gave them public funerals, at which the Mayor and Bailiffs attended in state;[2] it admitted their widows—sometimes even their orphans[3]—to all the privileges of Burgesses; it even voted money gifts to individual Burgesses—not merely the customary shilling to each Burgess on the annual riding of the bounds,[4] but ten pounds yearly to the oldest Burgess "as a token of respect from his brother Burgesses";[5] five or ten shillings each all round (including all Burgesses' widows) whenever there was a victory, or a Royal accession, a coronation, or even the passing of the Reform Bill[6] to celebrate; some of them in 1806 even attempting to add twenty guineas for each Burgess's daughter on attaining her majority.[7] When we realise that these bounties were voted by the Burgesses to themselves, not out of revenue, but by way of swelling a regular annual deficit, and thus increasing a debt that was accumulating at the rate of nearly £2000 a year, the conduct of the Gild in the last forty years of its existence can only be regarded as malversation of the property which it held in trust for the future. The position was not improved by the impulsive outbursts of generosity to which the public meeting was subject—the votes of hundreds of pounds to be distributed to the poor, contributed to sailors' widows, or subscribed for national defence—all, be it remembered, not deducted from the dividends enjoyed by the Burgesses who voted them, but improvidently borrowed to the loss of future generations. There was even a darker side. It becomes clear that, towards the end of the eighteenth century, not a few of the Burgesses were making their own profit out of the Corporation business. We hear of a "three-guinea bill" paid to Burgesses for attendance on committees.[8] We see some of them notoriously taking bribes to vote in Gild in favour of particular private interests.[1] Presently it comes to be an accepted custom for Burgesses to receive a "consideration" before they will vote for reductions of rent to Corporation tenants,[2] favourable contracts with Burgesses for Corporation supplies, the increase of salaries to the Corporation officers,[3] and the multiplication of these offices, which were, of course, like the contracts, all strictly confined to Burgesses. With all this we see a progressive deterioration of the manners of the Burgesses, and the orderliness of the Gild. The effect upon character of the perpetual stream of perquisites was, in fact, equivocal, "more especially," it was said in 1833, "upon such Burgesses as are comparatively young." It was well recognised at Berwick "that the money so divided does not render the lower classes of Burgesses more comfortable or more independent than non-Burgesses."[4] There had grown up a class of idle, thriftless, loafing families to whom the Burgess-ship served almost as a livelihood. We see such Burgesses coming drunk to the Gilds,[5] and shouting down obnoxious speakers, and even the presiding Mayor. We see Gilds wrangling away the whole evening, and failing to arrive at a decision. At other times motions are carried "by surprise" for the profit of some Burgesses and to the disgust of the majority. The elections of the public officers become disreputable scrambles, from which the more respectable citizens stand aloof. In 1828 the Recorder himself declared that "the manner in which the business of the Gilds was conducted had rendered the character of these assemblies an odious byword in all the adjoining country."[1] That this was no exaggeration may be inferred from the curious fact that when the Freemen of Municipal Corporations all over the kingdom were drawing together to protect their Corporate rights, the Burgesses of Alnwick (whose own standard of public morality was, as we have seen, by no means exalted) refused, as calculated to bring upon themselves "an indelible disgrace, any communication or co-operation with so venal a Corporation as that of Berwick."[2]

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[1] MS. Minutes, 6th September 1776.

[2] *Ibid.* 26th August 1805.

[3] *Ibid.* 24th November 1738.

[4] *Ibid.* 15th March 1716.

[5] *Ibid.* December 1815.

[6] *Ibid.* 6th October 1780, 7th September 1831, 6th August 1832. On the last occasion the Bailiffs were directed "to purchase the candles for the general illumination from the following six Burgesses in equal shares" (*ibid.* 14th June 1832).

[7] This, however, was not carried; MS. Case, in Corporation Archives, p. 537.

[8] *Berwick Advertiser*, 4th October 1828.

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[1] In 1780 "the tenant of the Fourth Horse Close, who was a Burgess, having offered bribes to two other Burgesses to influence them in a matter before the Gild in which he was interested, and they having agreed to accept the same, the Gild, to show their detestation of such proceedings, ordered that all three should be deprived of their Meadows and Stints for seven years, and should be debarred from coming into Gild for that period." But this spasm of virtuous indignation was short-lived. In the very next year the guilty three were formally readmitted (MS. Case, in Corporation Archives, p. 502). In 1800 it was resolved that "if any Burgess apply directly or indirectly, or in any shape whatever offer inducements or discover any inclination to procure any vote or votes in order to obtain any office, place, or employment . . . before it is declared vacant in Gild," he is to be disfranchised for seven years; except such canvass be for the office of Mayor, Alderman, or Bailiffs . . . any or all of which may be begun to be canvassed for on and after the 1st day of September . . . and that any earlier applications to the Burgesses for their votes shall be considered a breach of this order" (MS. Minutes, Corporation of Berwick, 18th and 29th July 1800; MS. Case, in Corporation Archives, p. 522).

[2] "We cannot overlook the conduct of a few of the lowest Burgesses, who demand a 'consideration' before they will support the petitions of the tenants" (of the Corporation for a reduction of rents) (*Berwick Advertiser*, 1st February 1834). We ought in fairness to add that we find nowhere any mention of bribery of the Burgesses, a majority of whom seem to have been Whig and Radical, in the Parliamentary elections.

[3] Between 1800 and 1815, when the Corporation was incurring a deficit of more than a thousand a year, all salaries were greatly increased, and some of them doubled (MS. Minutes, Corporation of Berwick, 1800-1815).

[4] *Berwick Advertiser*, 9th March 1833.

[5] "This day A. S., J. S., and R. J. were severally turned out of Gild for swearing and being intoxicated" (MS. Minutes, Corporation of Berwick, 1st April 1830).

The Mayor, Sheriffs, Citizens and Commonalty of the City of Norwich

At the end of the seventeenth century, the "Mayor, Sheriffs, Citizens and Commonalty" of Norwich[3] claimed that their ancient community was "the chief seat of the chief manufacture of the realm," and, "next to London, . . . the most rich and potent city in England."[1] Such a claim seems to have been borne out by the reports of contemporary visitors. "This ancient city," exclaimed John Evelyn in 1671, "being one of the largest and certainly one of the noblest of England for its venerable cathedral, number of stately churches, cleanness of the streets, and buildings of flint so exquisitely headed and squared."[2] Encircled by three miles of flint wall, with forty towers, twelve gates, and six handsome bridges over the river,[3] and crowned by a majestic castle, the city itself stood on more land than any other except the capital.[4] Within the walls much of the ground lay open, in pasture fields and gardens, so that, "by reason of the pleasant intermixture of its houses and trees," it was termed "an orchard in a city, or a city in an orchard."[5] At the centre stood the Gildhall, an ancient flint building,[6] close to "the grandest market-place, and the best single market to be met with in England."[7] Most of the houses were of brick, many being three or four stories in height. "The streets are all well pitched with small stones," writes an enthusiastic lady traveller, "and very clean, and many very broad. . . . In the middle was a great well-house, with a wheel to wind up the water for the good of the public."[8] In short, Norwich was far-famed for "the wealth of its citizens, the number of inhabitants, the great confluence of foreigners, the stately structures and beautiful churches."[1]

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[1] *Berwick Advertiser*, 26th July 1828.

[2] *Ibid.* 20th June 1835.

[3] The archives of Norwich are perhaps second only to those of the City of London in their extent and variety, covering a range of over six centuries. See the useful *Revised Catalogue of the Records of the City of Norwich*, by Rev. W. Hudson and J. C. Tingey, 1898; the *Evidences relating to the Town Close Estate*, 1886; *Leet Jurisdiction in the City of Norwich*, by Rev. W. Hudson (Selden Society, 1892); various papers in the volumes of the *Norfolk and Norwich Archæological Society*, from 1847, and *Norfolk Antiquarian Miscellany*; and especially the admirable *Records of the City of Norwich*, by Rev. W. Hudson and J. C. Tingey, vol. i., 1906. For the period 1689-1835 we have found specially useful the MS. minutes of the Assembly, the Court of Mayoralty, and the Sessions of the Peace, together with the Ward and other presentments; the files of the *Norwich Mercury*, *Norfolk Chronicle*, *Norwich . . . Courier*, *Iris*, *Adam's Weekly Courant*, *Bury and Norwich Post*, *East Anglian*, *Ipswich Journal*, and other local newspapers; First Report of Municipal Corporation Commission, 1835, vol. iv. pp. 2457-2506; *Digest of the Evidence taken before two . . . Municipal Corporation Commissioners*, 1834; the various pamphlets and studies on particular points of Richard Bacon, Sir Peter Eade, R. Fitch, Rev. W. Hudson, J. Kirkpatrick, H. and J. L'Estrange, B. Mackerell, S. S. Madders, Walter Rye, and J. C. Tingey; and the local histories of Francis Blomefield (1739 and 1805), Charles Parkin (1783), P. Browne (1814), John Stacy (1819), and A. D. Bayne (1869).

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[1] *The Humble Petition of the Mayor, Sheriffs, Citizens and Commonalty of the City of Norwich* (broadsheet in British Museum). At the time of the Commonwealth, "Norwich was, . . . and continued for years to be, the second city in the Empire for commerce and wealth" (*The Interregnum*, by F. A. Inderwick, 1891, p. 80). It had more churches than any other place out of London (*Comprehensive History of Norwich*, by A. D. Bayne, 1869, p. 62). The glowing description of it in 1660-88 in Macaulay's *History of England* (vol. i. chap. iii.) is well known.

[2] *Diary and Correspondence of John Evelyn*, 1862, vol. ii. p. 71.

[3] *Tour through the Whole Island of Great Britain*, by D. Defoe, vol. i. p. 60 of 1748 edition.

[4] *Farmer's Tour through the East of England*, by Arthur Young, 1771, vol. ii. p. 74.

[5] "Gonzale's Voyage to Great Britain" in Pinkerton's *Collection of Travels*, vol. ii. 1808.

[6] *A Compleat History of the Famous City of Norwich*, 1728, p. 2.

[7] *History and Antiquities of the City of Norwich*, by Rev. Charles Parkin, 1783, p. 237.

[8] *Through England on a Side-Saddle . . . Diary of Celia Fiennes*, edited by Hon. Mrs. Griffiths, 1888, p. 120.

To the political student the constitution of the Corporation of Norwich and its development between 1689 and 1835 offers two features of special interest and significance. We may watch the government of the second city of the Empire by a Democratic electorate.[2] And we may discern in its constitution as developed during the eighteenth century a unique example in English Municipal government of a bicameral Representative Assembly, analogous to the union of the House of Lords and the House of Commons in Parliament. The elements of such a duality have already appeared in the two classes constituting the governing councils of most of the Close Corporations, but nowhere among them have we found the Aldermen and the Common Councillors actually sitting apart, as two co-ordinate Chambers, and formally concurring in all legislative acts of the Corporation. At Norwich, and, as we shall presently see, to an incomplete degree at Ipswich and in the City of London, we have an actual bicameral constitution with a broad electoral base. It was perhaps the utter failure of this constitution at Norwich and Ipswich, and its virtual disappearance in the City of London, that enabled the Municipal Reformers of 1835, in their reconstruction of English Municipal Government, wholly to ignore this remarkable piece of machinery. The Americans, on the other hand, copying more directly from the eighteenth century, have retained the bicameral Legislative Assembly as a characteristic device of some of their Municipal constitutions.

At the accession of William and Mary, Norwich was, by the customary interpretation of more than fifty Charters and

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[1] *Three Years' Travels through England, Scotland, and Wales*, by Rev. James Brome, 1700, p. 136.

[2] Democracy in Norwich was carried to an extreme. Even the Freemen who were in prison were allowed to vote, if they still had dwelling-houses and families within the City and County; and the Sheriffs and Gaolers were not "to intermeddle" with their votes (MS. Assembly Book, 12th September 1722). "A great many prisoners," we learn in 1723, were "taking the liberty to vote in two several Wards under pretence that the Gaol is situated in both, besides the Ward wherein their families inhabit" (Petition to House of Commons, *ibid.* 7th January 1723). Later on they seem all to have been allowed to vote, and all those in the Hospitals or in the workhouse, but only for the Ward which they inhabited during the last six months before entering the institution (*History of the City and County of Norwich*, 1768, p. 321).

Letters Patent, under representative institutions of a curiously involved type. The supreme power was vested in "the Mayor, Sheriffs, Citizens and Commonalty of the City of Norwich in Common Council assembled"; being, in fact, a local Legislature composed of twenty-four Aldermen and sixty Common Councillors, the Aldermen sitting for life and the Common Councillors for one year only, in both cases by the votes of the resident Freemen. But this "Assembly," as it was called, was not the only administrative Court. There was a "Court of Mayoralty," made up of the Mayor, Sheriffs, and Aldermen, sitting by themselves, and combining legislative, executive, and judicial functions. Moreover, there was also a "General Assembly of all and every the citizens Freemen inhabitants of the City," which met at the Gildhall annually to elect one of the two Sheriffs (called the "Freemen's Sheriff"), and to choose two among the Aldermen who had served as Sheriffs and were resident in the City, as nominees for the Mayoralty—leaving to the "Court of Mayoralty" the election of the other Sheriff (called the "Court Sheriff") and the final choice of the Mayor.[1] And there was also a "General Assembly of all and every the citizens Freemen inhabitants" for each of the four "Great Wards" into which the City was divided, held at the Gildhall on four successive days in Passion Week, to choose annually the Common Councillors for the Ward and, when a vacancy occurred among the Aldermen of the Ward, to elect his successor.[2] The

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[1] The final choice did not always fall upon the candidate having the greatest number of votes. In 1813, and again in 1828, the Court chose the candidate having the lower number of votes (though in both these cases the difference was trifling).

[2] The four "Great Wards" of Norwich, which are coincident with parish boundaries, may be traced with the same names and the same areas back to the twelfth century. For two centuries they were known as Leets: they were apparently each reckoned as a Hundred; from 1404 to 1835 they were styled Wards. They resemble the Wards of the City of London in serving as the electoral units for the Aldermen, but whereas each Ward in London had its Alderman (except two small Wards which had one Alderman between them), the Great Wards of Norwich each elected six Aldermen. They bear, too, some analogy to the London Wards in being themselves subdivided into smaller units of government, a division unknown in other English Boroughs. Each Great Ward was divided into lesser Wards, which may be called Petty Wards, Subleets or Aldermanries. In the thirteenth century there were ten of these lesser Wards—originally perhaps twelve—each consisting of one parish or of a group of parishes, and each having its own Jury and its own separate sessions at the Court Leet held by the four Bailiffs during Lent. By the

Mayor presided over the Court of Mayoralty and over the General Assemblies of the Freemen, whether for election of Sheriff, Common Councillors, or Alderman. But by a curious custom, unknown elsewhere in English Boroughs except in the Cinque Ports,[1] the Head of the Corporation did not preside over the Common Council which, like the House of Commons, chose its own president, who was designated the "Speaker of the Common Council."[2] The Corporation had all the usual Courts of Justice. The Mayor, Recorder, Steward, and all the Aldermen who had passed the Chair were Justices of the Peace throughout the City,[3] holding Petty and Special Sessions, and a Court of Quarter Sessions having exclusive and complete criminal jurisdiction. The two Sheriffs held a "View of Frankpledge and Sheriff's Turn" for

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middle of the fifteenth century the lesser Wards were reorganised as twelve, three to each Great Ward; and to each there were assigned two Aldermen; though these Aldermen were elected not by their Subleet but by the whole of the Great Ward of which it formed part. When, later on, the Aldermen who had not passed the Chair were given magisterial jurisdiction by Charter of 1663, it was to their respective Great Wards that they were severally restricted. This jurisdiction was, however, not exercised. The Subleets of Norwich differ from the London Precincts in being thus equivalent to Aldermanries; in being uniformly coincident with parishes or groups of parishes; in not having any assemblies of their own; and in not having their own funds and administrative functions (*Leet Jurisdiction of Norwich*, by Rev. W. Hudson, 1892; *The Records of Norwich*, by Rev. W. Hudson and J. C. Tingey, vol. i., 1906, pp. cxxxiv-cxli; *The Wards of the City of Norwich*, by Rev. W. Hudson, 1891).

[1] The Legislative Assembly of the Liberty of the Cinque Ports—the so-called "Brotherhood and Guestling"—was, as we have seen (pp. 377-378), presided over, not by the Lord Warden, but by a "Speaker," chosen by the Assembly itself, in practice from among the Mayors of the seven principal Boroughs in turn. It will be remembered that the fishing fleet of the Cinque Ports annually visited Yarmouth, with which the citizens of Norwich must have been in frequent communication.

[2] "At a Quarterly Assembly . . . Mr. P. T. chosen Speaker *pro hac vice*" (MS. Assembly Book, Corporation of Norwich, 24th February 1689). The Speaker was usually chosen annually.

[3] Those Aldermen who had not served as Mayor were, by Charter of 1663, Justices of the Peace in and for the Wards by which they had been elected. There seems always to have been some doubt whether this meant the "Great Ward," by the Freemen inhabitants of which each of them had been elected, or the smaller Ward (Subleet or Aldermanry)—being a portion of the Great Ward—for which each of them had been specifically chosen and to which each of them had been assigned. As a matter of fact the Aldermen do not appear to have acted as Justices in or for their own Wards at all; nor does it appear that those of them who had not passed the Chair acted individually as Justices anywhere, though, as members of the Court of Aldermen or Court of Mayoralty, they participated, equally with their better-qualified brethren, in acts which elsewhere were done only by Justices. The same was true, prior to 1742, of those Aldermen of the City of London who were not Justices.

the City,[1] each of the four Great Wards sending its own Jury to make presentments of the ordinary Leet offences. There were also three separate Courts of Civil Jurisdiction: the "Gildhall Court," held before the Sheriffs or one of them, the Steward acting as assessor; a Court of Pleas, held before the Mayor and Sheriffs, or one of them; and a somewhat shadowy Court of Equity, held when required, before the Mayor and two other of the Justices of the Peace.[2] The City had been since 1404 a County of itself, with a jurisdiction extending over ten square miles of adjacent commons, cornfields, and villages outside the walls, from which the Sheriff and the Justices of the County of Norfolk were entirely excluded.[3] It must be added that, with all this highly developed representative government, and all this extensive jurisdiction, the Norwich Corporation at no time owned much property, or disposed of any great revenues. In 1689, at any rate, there were no longer commonfields to be cultivated according to a concerted plan, or common pastures on which the Freemen turned out their flocks and herds.[1] There were in 1689 no Town Dues or Petty Customs, no Harbour Dues or Through Tolls, to swell the Corporation revenues.[2] The Corporation had, indeed, the trusteeship and management of valuable Hospital Foundations and other endowed charities of relatively large amount. But beyond a few acres of land, a few houses, and a not very profitable market, the Corporation seems to have had at its disposal little more than the fees and fines and payments for admission to the Freedom that it extracted from the inhabitants. Compared with Liverpool and Leicester, with Bristol and Coventry, and even with Penzance and Berwick-on-Tweed, the Corporation of Norwich, though enjoying extensive patronage, was itself poor. We gather that in 1689, when the City had nearly 30,000 inhabitants, the total gross revenue of its Corporation, apart from the charitable endowments of which it was trustee, was probably under £1000 a year.[1]

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[1] The proceeds of the Shrievalty were assigned to the Sheriffs in payment of their expenses. "The new elect Sheriffs . . . made their request to have such allowances as their predecessors, viz. the Gaol at £22, the Sheriffs' office, £30 in money, the Sheriffs' Leets and Turns, felons' goods, waifs and estrays in their year, as other Sheriffs have had, which is granted them, they performing as other Sheriffs have done" (MS. Assembly Book, 21st September 1689). Having regard, no doubt, to the Courts held by the Sheriffs, Freemen who were attorneys were exempt from serving. One made good his exemption in the Court of King's Bench in 1767 (*Ipswich Journal*, 11th July 1767). In 1790 five persons in succession paid the fine of £80 rather than serve (*ibid.* 17th July 1790; MS. Assembly Book, 13th July 1790).

[2] The two principal Civil Courts were apparently both derived from the Court of Mayor and Sheriffs, having both real and personal jurisdiction, which is mentioned in the Composition of 1415. The "Gildhall or Sheriffs' Court," meeting on Wednesdays and Saturdays, and dealing with personal and mixed actions of any amount, was presently superseded as regards debts under forty shillings by a "Court of Conscience," or Court of Requests, established by Local Act of 1701 (12 and 13 William III. c. 7). It continued, however, in active existence as the principal local tribunal, and is still (1907) held every two months, before a Judge appointed by the Town Council. The "Court of Pleas" sank in the eighteenth century to being a mere register of fines and recoveries, and came to an end with the abolition of that procedure in 1833. The "Court of Equity," mentioned in, and perhaps instituted by, the Charter of 1663, apparently never took root, or at any rate fell into disuse after the seventeenth century (First Report of Municipal Corporation Commission, 1835, vol. iv. pp. 2467-2468; *The Records of Norwich*, by Rev. W. Hudson and J. C. Tingey, vol. i., 1906, p. 49).

[3] The area and exclusive character of this jurisdiction, long in dispute, were definitely settled by the Charter of 1556, so as to include (besides about ten square miles of land) the River Wensum or Yare down to Hardley Cross, fifteen miles below Norwich. The Cathedral and its Precinct had been included by Charter of 1539, as the "Fee" or Precinct of the Castle had already been in 1345. The Castle and the Shire Hall were still excepted; the former being added to the City and County in 1894.

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[1] By an agreement of 1524 the citizens relinquished their rights of common pasturage to the Prior and Convent of Norwich, in return for the complete ownership of 80 acres of land, known afterwards as the Town Close. This was, during the eighteenth century, let for the benefit of the Freemen; and it was, for instance, "ordered that the Under Chamberlain wait upon the several Aldermen and request them to distribute the Town Close money among such of the Freemen in their respective Wards as choose to apply for the same, giving to each Freeman one shilling" (MS. Court Book, 24th December 1784). In 1833 the Assembly orders the Town Close to be let by auction for seven years (MS. Assembly Book, 8th March 1833). Half a century later it became matter of litigation to what purposes this income should be devoted; and to this we owe the preparation of a valuable volume of extracts from the archives (*Evidences relating to Town Close Estate: Documents admitted in the case of Stanley* v. *Mayor, etc., of Norwich*, 1886).

[2] There came to be certain not very important trust funds of this nature. By Local Act of 1726 (12 George I. c. 15) the Corporation was empowered to levy small Tonnage Dues on goods brought by water from Yarmouth. The proceeds had to be applied towards the maintenance of the walls and bridges, and the "gates, wastes, stathes, wharves, and highways or roads . . . and other public works within the said City." This income was administered by the Tonnage Committee of the Assembly (MS. Assembly Book, 21st September 1718, 18th January, 18th March, and 27th April 1726, and 3rd May 1788; First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2477). By a series of other Local Acts, twelve Commissioners of the River Yare (three each appointed by the Quarter Sessions of Norfolk and Suffolk, and the Corporations of Norwich and Yarmouth) levied dues on goods landed at Yarmouth, and applied the proceeds to the conservancy of the river (10 George I. c. 8, 1723; 12 George III. c. 14, 1772; 25 George III. c. 36, 1785; 40 George III. c. 4, 1800). A portion of this revenue was annually paid over to the Corporation of Norwich, which undertook to look after its own portion of the river, amounting altogether to twenty miles. This was administered by the River and Street Committee of the Assembly, which latterly was complained of for secrecy and supineness (*ibid.* p. 2477, and MS. Assembly Book, 7th January 1723 and 3rd May 1788; *Norfolk Yeoman's Gazette*, 28th February 1823; *Bury and Norwich Post*, 13th May 1835; *Norwich Mercury*, 26th April 1834).

The Freemen, who throughout the whole period formed the base of this complicated representative system, included, in 1689, practically all the retail shopkeepers and master craftsmen, most of the professionals and men of wealth and standing, and the working manufacturers of worsteds. On the other hand, there had grown up a class of persons of "very considerable estates," engaged in "new introduced trades," who did not "take up their Freedom";[2] there had also come into existence numerous dealers or merchants, in cloth as well as in other commodities; and these new employers had a large number of nondescript dependants who were outside the Freemen class. Our own impression is that the resident Freemen cannot, even in 1689, have included half the householders of the City. There are traces of a rudimentary organisation of these Freemen by Wards.[3] What in 1689 was more effective was their enrolment in separate Trade Companies, which elected their own Headmen, Wardens, and Assistants, and regulated by Ordinances and By-laws their respective crafts.[1] These Companies had a definite connection of some kind with the Corporation and its Administrative Courts. The Freemen of the City were, it is true, admitted independently of the Companies, by the Court of Mayoralty, after a scrutiny of their qualifications of Birth or Apprenticeship, or on payment of a substantial fine in lieu of these, before the Chamberlain's Council, a committee of the Assembly. But the oath administered to each Freeman by the Court pledged him to fill the offices, pay the charges, and obey the ordinances of his "craft or science" as well as those of the Corporation. For half a century after the Revolution we see these Trade Companies presenting annually to the Court of Mayoralty their new Headmen, Wardens, and Assistants; submitting for the decision of that tribunal disputes between masters and journeymen, or between Company and Company; bringing up for confirmation by the Assembly their new Ordinances and By-laws; and getting the Assembly to sanction alterations in

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[1] On the other hand, the charitable and other trust funds were large. In 1833 the Great Hospital alone had an income of nearly £6000 a year; the three other hospitals had over £3000 a year among them; other endowed charities amounted to several hundreds a year; the Haven and Pier Money and the Tonnage Dues to between one and two thousand a year. The total in 1833 cannot have fallen short of eleven or twelve thousand a year, besides the right of presentation to a dozen Church livings and half a dozen scholarships at a Cambridge College (First Report of Municipal Corporation Commission, 1835, vol. iv. pp. 2470, 2480-83).

[2] House of Commons Journals, 26th November 1703.

[3] Notwithstanding various attempts to imitate the City of London, the Ward organisation of Norwich, perhaps because of the conflict between the Great Ward and the Subleet or Aldermanry, never became effective. The Aldermen, though given the powers of Justices in their Wards, never exercised them, and never held any Courts in their Wards (*How the City of Norwich grew into Shape*, by Rev. W. Hudson, 1896). But they divided up their collective patronage, and each pair of Aldermen exercised it for their own Petty Ward (MS. Court Book, 6th February 1689); it was "the Aldermen of the Ward" who sent the sick to the doctor at the Corporation expense (*ibid.* 2nd April 1690); it was they who were charged to look after the action of the Churchwardens and Overseers (*ibid.* 8th April 1691, 12th February 1692); and it was they who distributed among the Freemen the "Town Close Money" (*ibid.* 24th December 1784). The "Aldermen of the Ward" appointed one of the two Ward Constables, the Common Councillors for the Ward appointing the other annually (MS. Assembly Book); it was the "Aldermen of the Ward" who were sometimes charged to give instructions to the Watch (MS. Court Book, 26th October 1745), or to give orders for repairing the walls (MS. Assembly Book, 19th June 1699). The Aldermen and Common Councilmen for each Ward were once charged to inspect

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structures likely to be set on fire (*ibid.* 23rd July 1705). But the Wards became principally electoral units.

[1] The Trade Companies of Norwich escaped the notice of the Municipal Corporation Commission of 1833-35, and pending the completion by Mr. Tingey of vol. ii. of *The Records of Norwich*, but little information about them exists in print. They were still having their pageants in the sixteenth century (*Norwich Pageants, the Crosier Play*, by R. Fitch, 1856). The MS. Minutes of the Assembly and Court of Mayoralty between 1689 and 1732 reveal such Companies in existence among the Bakers, Barbers and Barber-Surgeons, Bladesmiths or Smiths, Coopers, Cordwainers, Cutlers, Glaziers, Plumbers and Painters, Glovers or Fellmongers, Grocers, Haberdashers, Innholders and Vintners, Musicians, Tailors and Worsted Weavers (the last named having separate Companies for Norwich and Norfolk respectively). We see them having their own funds, their own "assemblies" and feasts, and in some cases their own halls; attempting to enforce apprenticeship as a condition of trading (MS. Minutes, Corporation of Norwich, 17th June 1695, 21st June 1697, 6th April 1698); regulating the stalls of their trades in the market (*ibid.* 9th February 1689, 21st June 1697); assigning to each member his distinctive mark (*ibid.* 5th April 1695); aggregating a number of branches of trade into a single Company (*ibid.* 21st June 1697); instituting legal proceedings in the name of the Municipal Corporation (*ibid.* 30th March 1698); delimiting their respective trades and preventing encroachments (*ibid.* 20th June 1698, 15th August 1700). After the first quarter of the eighteenth century, such entries die away. The Cordwainers, Barbers, and Tailors Companies are alone mentioned in 1732 as having annual feasts (*ibid.* 24th February 1732); though the amount to be paid on the admission of Freemen to each of fifteen Companies (including those of the Butchers, Carpenters, Clockmakers, Collar or Harness Makers, Curriers, Fishmongers, Joiners, and Masons, as well as others above-mentioned) was in 1755 fixed at

the "purchase-money" of the Freedom of particular Companies.[1] We even find the Assembly in 1714 instituting a new Trade Company, that of the Musicians, "for the accommodation and diversion of the lovers of music," to which Company was granted the exclusive right of permitting "stage plays, mountebanks, puppet shows or any show whatsoever," to be accompanied by music. From about the middle of the eighteenth century, all applications from and all mention of these Companies disappear from the Corporation records,[2] and

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from £2 to £10 : 10s. (*ibid.* 3rd May 1755). The "order of precedence" of twenty Companies in the Gild Day procession is still given in 1768 (*History of the City and County of Norwich*, 1768, p. 175). There seems to have been a wealthy Brewers' Company (*Notices of Brewers' Marks*, etc., by R. Fitch, 1859). The Norwich Trade Companies well deserve a monograph.

[1] MS. Assembly Book, 24th February 1695, 20th June 1698, 24th February 1701.

[2] Besides the Trade Companies, there existed also the Gild of St. George, established in 1385 and confirmed in 1417 (*Firma Burgi*, by T. Madox, 1726, p. 24 ; *English Gilds*, by J. Toulmin Smith, 1870, p. 17), which seems to have been "at first a religious, and afterwards a social department of the City government" (*Revised Catalogue of the Records*, etc., by Rev. W. Hudson and J. C. Tingey, 1898, p. 10). Its administration (under an Alderman, four Masters, and twenty-four Brethren) was at all times closely connected with that of the Municipal Corporation ; and in 1452 it was agreed that the Mayor should become its Alderman for the year succeeding his mayoralty (Mackerell's "Account of the Company of St. George in Norwich," in volume for 1852 of *Norfolk and Norwich Archæological Society* ; *History of the City and County of Norwich*, 1768, pp. 544-552 ; *Topographical and Historical Account of . . . Norwich*, by P. Stacy, 1819, pp. 84-86 ; *Records of the City of Norwich*, by Rev. W. Hudson and J. C. Tingey, vol. i., 1906, p. xcix). From the MS. Minutes of the Gild, which we have consulted from 1602 to 1729, we infer that, though possibly once of greater constitutional importance, in this period, at any rate, it had become practically nothing but a social organisation, chiefly occupied in arranging for its dinners and its annual "Feast" on "Gild Day," which was made the occasion of a grand Municipal procession through the decorated streets, when the Trade Companies in their liveries and bearing their banners, the Common Councilmen on horseback, "all the Corporation" in their gowns, the "Beadlemen . . . Bellman, and Charcoalman . . . the Trumpeters, Whifflers, and . . . Ringers, the Standard-bearer" (MS. Minutes, Corporation of Norwich, 24th February 1732), and all the other officers in their uniforms, visited the houses of the retiring Mayor and the new Mayor, and proceeded to the Cathedral and Gildhall (*Compleat History of the Famous City of Norwich*, 1728, pp. 59, 324 ; *History of the City and County of Norwich*, 1768, pp. 175, 294 ; *Rambles in an Old City*, by S. S. Madders, 1853, pp. 196-220). In the eighteenth century it became increasingly difficult to induce members to become "Alderman of the Feast," and we find persons discharged "from bearing the feast" for a fine (MS. Minutes, St. George's Company, 21st June 1697, 22nd October 1697, 14th May 1714). Finally, the Company (now called the "Company of the Feast of the Mayor, Sheriffs, Citizens, and Common Council"), being £236 in debt, and there being "great opposition . . . by the inhabitants . . . against the accustomed manner of obtaining a procession and feast," was formally taken over by the Corporation

we imagine that the Companies had by this time ceased to control the working life of their members. In spite, however, of this decay of the trade organisations, the Corporation never lost its right to compel non-Freemen shopkeepers and craftsmen to purchase the Freedom of the City; and right down to 1835 it spasmodically exercised this power, with a view to increasing its revenue and obtaining additional voters for one or other political faction. It may be that it is to the absence of any "meadows and stints," or common pasturage to be shared, and to an ever-increasing laxity in the enforcement of the requirement upon the shopkeepers and craftsmen, that we have to attribute the fact that there seems to have been no great desire to become Freemen of Norwich,—except in so far as one faction sought to multiply voters of its own colour, when the other faction strove equally energetically to exclude them—so that the total number of resident Freemen by 1833 was only about 2500, or not one-fifth of the inhabitant householders.

For forty years after the Revolution, the two representative bodies of Norwich, the Aldermen on the one hand and the Common Councillors on the other, cannot be said to have constituted a bicameral Legislature. By the Charters the Assembly could not act without the presence of the Mayor and of a majority of each of its two main classes of members. The Court of Mayoralty and the Assembly acted independently, each having its own sphere, but the Common Councillors had no meeting apart from the Assembly of "Mayor, Sheriffs, Aldermen, and Common Council."[1]

The Aldermen, sitting two or three times a week under the presidency of the Mayor as the Court of Mayoralty,[2] acted,

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as such (MS. Minutes, Corporation of Norwich, 24th February 1732). The "Feast" was to be given by the Mayor, who was granted £100 a year (and afterwards £300 a year) for the purpose. The procession seems to have gradually diminished.

[1] In the reigns of William and Mary and Anne the Aldermen and the Common Councillors "sat, debated, and voted together" in an undivided Assembly (*Norfolk and Norwich Remembrancer and Vade Mecum*, by J. Matchett, 1822, p. 8).

[2] This body, called at different dates "Congregacio (or Convocatio) Aldermanorum," "the Mayor's Court," "Curia Majoratus," "Court of the Mayor and Aldermen"; and after 1654, indifferently "Court of the Mayor," "Court of Mayoralty," and "Court of Aldermen," has over three centuries of continuous records (*The Records of the City of Norwich*, by Rev. W. Hudson and

it would seem, principally as a judicial authority, doing the work of Petty and Special Sessions of the Peace, taking depositions, entering recognisances, swearing in Constables,[1] the Headmen and Wardens of the Trade Companies, and other officers, appointing Overseers,[2] auditing parish accounts, apprenticing poor children, making rates, granting permits to strolling players, giants, dwarfs, and other shows, ballad sellers, and quack medicine venders,[3] committing prisoners for trial at Quarter Sessions, and sentencing vagrants to the whipping-post,[4] and dissolute women to Bridewell.[5] But intermingled with this Magisterial work, we notice some legislative acts and much administrative business. It was the Court of Mayoralty that set the Assize of Bread;[6] that fixed the hours of closing of the City Gates;[7] that ordered the householders to hang out lamps on dark nights;[8] that interpreted their obligation to cleanse the streets as involving sweeping every Saturday and Monday;[9] that declared this or that act to be a public nuisance;[10] that forbad Forestalling and Regrating;[11] that instructed the citizens to keep the Sabbath;[12] and that directed the poor to attend Church or lose the right to "collection."[13] It was the Court of Mayoralty that dispensed the Corporation's charitable funds,[14] managed the Grammar

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J. C. Tingey, vol. i., 1906, pp. 315-319). Its MS. Court Books for 1689-1835 show that, besides the Mayor, there usually attended one Sheriff or both Sheriffs, and two to a dozen Aldermen.

[1] MS. Minutes, Court of Mayoralty, 22nd July 1689, 23rd June 1694.

[2] *Ibid.* 19th April 1721.

[3] *Ibid.* 18th May, 9th October, and 21st December 1689, 24th November 1703.

[4] "W. M. of Great Yarmouth was this day found vagrant in this City, and ordered to be whipped and sent to Yarmouth, the place of his last legal settlement" (*ibid.* 19th March 1689).

[5] *Ibid.* 7th September 1689, 29th October 1690.

[6] "Ordered [that] the price of corn for bakers to bake at be seven-and-twenty shillings the combe" (*ibid.* 20th October 1693).

[7] *Ibid.* 18th November 1730.

[8] *Ibid.* 8th November 1693, 8th October 1701, 20th October 1703, 26th September 1713.

[9] *Ibid.* 30th September 1724.

[10] *Ibid.* 5th August and 14th October 1719, 10th May 1710.

[11] *Ibid.* 25th June and 12th July 1720; *Norwich Mercury*, 28th April 1753.

[12] MS. Minutes, Court of Mayoralty, 4th December 1689, 15th August 1691; *Norwich Mercury*, June 1752.

[13] MS. Minutes, Court of Mayoralty, 13th November 1700. "Collection" was, of course, Outdoor Relief from the Overseers, out of the Poor Rate.

[14] *Ibid.* 16th January 1688, 10th August 1709, 3rd April 1742.

School and the Hospitals,[1] provided weights and measures,[2] inspected and repaired the gaols,[3] and maintained the roads,[4] quays, and ferryboats.[5] In the administrative work we see the Court of Mayoralty sometimes uncertain as to the line of demarcation between its sphere and the domain of the Assembly. In 1699, for instance, the Assembly has to appoint a Committee "to see in whom the right of electing a Town Clerk when there is a vacancy is, whether in the Court and Commons or in the Court of Mayoralty alone."[6] But so far as we have been able to judge from the records, there does not seem to have been, in the first and second decades of the eighteenth century, any serious conflict between the Aldermen who formed the Court of Mayoralty, and the Common Councillors who made up a large majority of the Assembly. The Court of Mayoralty seems rather to have acted as the trusted Executive of a united Assembly. Arrears of rent to be collected, the letting of the market stalls, works to be inspected, repairs to be executed, encroachments to be stopped, minor officials to be selected, and their hours to be fixed, orders to be enforced, and accounts to be audited are, between 1689 and 1716, perpetually being referred by the Assembly to "Mr. Mayor and the Court of Mayoralty"; or as they sometimes preferred to call it, the "Court of Aldermen."

In spite of the exercise of so much Executive business by the Court of Mayoralty, the Assembly itself was acknowledged to be the supreme authority in the Corporation.[7] This was made manifest in its appointment of nearly all the officers, in its control of the finances, and in its power to enact new Ordinances or By-laws. At the "Quarterly Assembly" of May in each year the Assembly formally appointed the Speaker, the two Coroners, the eight Auditors, the four Clavers, the Clerk of the Market, together with such petty officers as the Sword-bearer, the Macebearer, and the Constables of the Wards[1]—all of them for one year only. When there was a vacancy in such great offices as those of the Recorder, the Steward, the Town Clerk, the Chamberlain, and the Under Chamberlain, it was equally the Assembly that made the new appointment. Over the property, taxes, and expenditure of the Corporation the Assembly kept a jealous watch.[2] The activities of the eight Auditors annually chosen by the Assembly were constantly being supplemented by special committees charged "to inquire into what debts the City owes," and "to consider of some ways for lessening the debts due from this City";[3] or appointed to discover "the most fit ways for raising money towards the repair of bridges and City walls."[4] The leasing of property,[5] the abatement of rents,[6] the limitation of the Bridewell fees,[7] the fixing of fines[8] and tolls, and the sale of wine licences,[9] were all kept by the Assembly in its own hands; as well also as the negotiations with neighbouring authorities likely to involve expenditure on the bridges or the roads.[10] It was the Assembly that confirmed and amended the Ordinances submitted by the Trade Companies for the regulation of their crafts;[11] it was the Assembly that made the By-laws for the market;[12] it was the Assembly that prohibited carters and waggoners from riding in their vehicles whilst in the City;[13] it was the Assembly that enacted that there should in future be no "covered gutters" made in the streets, and no "kiln stones" used for mending the pavements;[14] it was the Assembly that, in the interest of quiet, forbad the Parish Clerks to toll the bell for a death after nine o'clock in the evening[1]—though in all these matters of police regulation it is difficult to see how the Assembly distinguished between its own jurisdiction and that of the Court of Mayoralty.

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[1] MS. Minutes, Court of Mayoralty, 27th and 28th September 1700.

[2] *Ibid.* 24th January 1691, 14th May 1726.

[3] *Ibid.* 24th October 1691, 17th April 1714.

[4] *Ibid.* 6th November 1689, 28th January 1691.

[5] *Ibid.* 22nd August and 24th October 1691.

[6] MS. Assembly Book, 21st August and 21st September 1699.

[7] The MS. Minutes of the Assembly, as recorded in the Assembly Book, constitute the most valuable material for the Municipal history of Norwich between 1689 and 1835, especially for the first forty years.

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[1] The twenty-four Constables were appointed, two for each of the lesser Wards, on the nomination, as to one, of the two Aldermen of the Ward, and as to the other, of the Common Councillors of the Ward.

[2] "It is ordered that for the future a note of all City moneys to be disposed of be set up in the Assembly room, as also a note of all leases late held of this City that are expired or within three years of expiry" (MS. Assembly Book, 17th June 1689). All bills for work are ordered to be brought in quarterly, and all rents in arrear to be distrained for (*ibid.* 23rd March 1705).

[3] *Ibid.* 3rd March and 18th August 1691.

[4] *Ibid.* 3rd March 1691.

[5] *Ibid.* 17th June 1689, 3rd March 1705.

[6] *Ibid.* 24th February 1689.

[7] *Ibid.* 19th June 1727.

[8] *Ibid.* 23rd March 1705, 24th February 1689.

[9] *Ibid.* 1st April 1698; MS. Minutes, Court of Mayoralty, 23rd September 1701.

[10] MS. Assembly Book, 9th October 1718.

[11] *Ibid.* 21st September 1707.

[12] *Ibid.* 21st August 1699, 24th September 1701, 23rd July and 21st September 1707.

[13] *Ibid.* 21st September 1699, 27th October 1731.

[14] *Ibid.* 29th March 1686.

For a generation after 1689 we watch the Assembly developing an elaborate system of committees, to which the Executive business, formerly monopolised by the Court of Mayoralty, was more and more entrusted. We see the germ of this administrative system in 1689 in the "Chamberlain's Council," composed of four Aldermen and four Common Councillors, in the "Committee for the Castle and Fee," and perhaps also in the eight Auditors and the four Clavers, who were invariably composed of equal numbers of each class. By the end of the seventeenth century there were two other standing committees and a host of special committees, which steadily increased in number and permanence in the course of the next thirty years. These committees, which remained down to 1835 a distinguishing feature of the Norwich Corporation, were always bipartite, representing equally the Aldermen and the Common Councillors, and composed of one, two, three, four, or five of each class. There was no casting vote,[2] and (herein differing from the almost universal practice of English municipalities) the Mayor had no right, any more than the Speaker of the Common Council, to preside, or even to attend. In marked contrast with the Gild of Berwick, the Assembly of Norwich got into the habit of never taking any important decision until the matter had been quietly considered in private by one of these committees. There were committees to inspect, committees to inquire, committees to audit, committees to draft, and committees to report. Finally, there came to be no fewer than twelve standing committees with general references—the City Committee, the Hospitals Committee, the Market Committee, the Tonnage Committee, the River and Streets Committee, the City Library Committee the Coal Committee, the Assembly Bond Committee, the Committee of Appeals, the Chamberlain's Council, the

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[1] MS. Assembly Book, 4th February 1709.

[2] *Norwich, Yarmouth, and Lowestoft Courier* (as to Tonnage Committee), 22nd August 1818; First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2491 (as to the Chamberlain's Council).

Auditors and the Clavers, among which the administration was systematically divided.[1]

Under this constitution the Mayor, Sheriffs, Aldermen, and Common Councillors of Norwich seem to have carried on the government of their thriving manufacturing city fairly satisfactorily for the generation that followed the Revolution. Such friction as existed in these years does not seem to have been so much between the different parts of the administration, as between the representatives and their constituents. We see the Court of Mayoralty in 1705 unsuccessfully trying to assert a right to confirm or veto the choice by the Great Ward of an Alderman whom the Court deemed a person of "malicious, turbulent, and contentious temper and conversation," and "not fit to be made an Alderman."[2] From 1700 to 1722 we see the Assembly perpetually striving, on the one hand to compel substantial residents to become Freemen,[3] and on the other to find some way of "punishing the bad votes"—of checking the bribery, personation, and fraudulent assumptions of the Freedom that already disgraced the Parliamentary and Municipal elections.[4] These electoral disorders sprang from the same cause as eventually broke down the constitution—the intense bitterness of political faction in this East Anglian capital. "This town," writes the accomplished Humphrey Prideaux on his accession to the deanery, "I find divided into two factions, Whigs and Tories; the former are the more numerous, but the latter carry all before them as consisting of the governing part of the town; and both contend for their way with the utmost violence. I do not believe any place could afford of either part more vehement votaries to it than this town."[1] So far as we can discover, the Tories retained their ascendency in the government even after the Revolution. After 1710 we find the Court of Mayoralty Whig, or, to adopt the local terminology, "blue and white"; whilst the Common Councillors were predominantly High Church or Jacobite, with "purple and orange" as their local colour. This political cleavage between the two constituents of the Assembly heightened the disorders of the incessant Municipal elections. Sober citizens appealed for protection to the Government, and we have the Secretary of State formally warning the Mayor that, if he did not maintain the peace of the City, "you will inevitably draw upon yourself the severity of the law, which is so justly due to so great a neglect, to give it no worse name."[2] We see the different factions appealing to London to get the Municipal constitution altered, so as to favour one party or the other—exactly as to-day, in the United States, the local party "machines" seek to get from the State Legislatures new Charters which would give them Municipal dominance. In 1722 it was the Whigs of Norwich who were urging Lord Townshend to depopularise the constitution. If the pending elections do not turn out well, writes a Whig leader, "it will

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[1] MS. Assembly Book, 1689-1835 *passim*; First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2463.

[2] Home Office Domestic State Papers in Public Record Office, No. 30, April 1705. This right to admit to all City offices, and thus to confirm or veto all appointments and elections, was claimed by the Court of Mayoralty, in imitation of the Court of Aldermen of the City of London. We cannot find any authority for the claim, which was not persisted in; though in 1700 we find the Assembly removing Aldermen from office for non-attendance (MS. Assembly Book, 24th February and 3rd May 1700). It is interesting to find that, in 1682, the electorate was claiming a right to withdraw its mandate; we find a petition asking that "the Freemen of any Ward might remove their Aldermen" (*Evidences relating to the Town Close Estate*, 1887, p. 79).

[3] In 1710, for instance, the ancient By-laws against non-Freemen trading were re-enacted, it being recited that, by reason of disobedience thereto, the Freemen "who stand charged with defrayment of all necessary charges and impositions" are impoverished, and "the houses within the City will be so pestered with inmates and superfluous multitudes of people as the government will be more burdensome than before, and the City itself likely to be exposed by that means to the danger of the pestilence and contagious diseases. The neighbouring villages also by that means are much depopulated, and labourers and servants in husbandry not found in many places of the County" (MS. Assembly Book, 3rd May 1710).

[4] House of Commons Journals, 26th November 1703, when permission to bring in the Bill promoted by the Corporation was granted by so small a majority that it was abandoned; MS. Assembly Book, 3rd May 1710, 18th June and 21st September 1722, 7th January 1723; 9 George I. c. 9 (1723). The Act as passed, though it fell short of the desires of the Assembly, both entitled and required the resident master manufacturers of woollen stuffs,

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master weavers and master woolcombers, and the dealers in such wares, to take up their Freedom on payment of a fine which was not to exceed £5; fixed the fine for refusal to serve as Sheriff at £50 if the nominee was not worth £3000, and at £80 if he was worth more, whilst if he made oath to the Court of Mayoralty that he was not worth £2000 he was exempted; regulated the manner of holding polls and scrutinies; and required the Ward election, on an Aldermanic vacancy, to be held within five days, on twenty-four hours' notice (*History of the City and County of Norwich*, 1768, pp. 313-315).

[1] *Letters of Humphrey Prideaux*, 1875, p. 90.

[2] Home Office Domestic State Papers in Public Record Office, No. 33, 15th April 1722; Lord Stanhope to Mayor, 26th September 1722 (Home Office Domestic Entry Book, vol. ix. p. 136).

give such a turn to the constitution as will not easily be helped without taking away the Charter and granting it on another foot, viz. by confirming the present Court of Aldermen, who have a majority firmly in the interest of the present Government, and granting to them a power to choose sixty Common Councilmen who shall remain so for life, and that for the future the Mayor and Sheriffs shall be annually chosen by a majority of the said Court of Aldermen and Common Councilmen."[1] The dissensions between the two factions grew more and more acute, the Whig Aldermen in 1728 even going to the length of withdrawing from an Assembly in which they were outvoted, "so that there not being the complement of the Court of Mayoralty, an Assembly could not be held, and the affairs of the Corporation could not be proceeded with."[2] The deadlock that ensued, which seems to have lasted for a year, at length compelled both parties to compromise. In January 1730 they agreed to petition for a Local Act, embodying their agreement, which they at once obtained from a complacent Parliament.

Whatever may have been the intention of Parliament, this Act of 1730 had the effect of definitely setting up the Municipal constitution of Norwich on a bicameral basis. All that was explicitly enacted was that nothing should be done by the Assembly without the assent of the majority of the Mayor, Sheriffs, and Aldermen present, on the one hand, and the majority of the Common Councillors present on the other. All the members were required under penalty to be in attendance at every quarterly meeting, and not to leave without the consent of the Mayor. At the same time, the Common Council ceased to be wholly the product of direct election. Each of the four Great Wards was henceforth to elect only three Councillors, and these three were to co-opt the remaining Councillors for the Ward.[3] But the Act effected a more fundamental change than its wording involved. What had been decided by the contending factions at Norwich was that the Court of Aldermen and the Common Council should henceforth act as in every way distinct Chambers. It appears to have been agreed, or taken for granted, that the Aldermen (with the Sheriffs) and the Common Councillors would henceforth meet separately in distinct rooms, the one body under the Mayor, assisted by the Town Clerk, the other under the Speaker, assisted by the Chamberlain; that they would have separate agendas of business, any reports of committees or other business being simultaneously submitted to the Mayor and the Speaker respectively;[1] that each Chamber would debate separately and arrive independently at such decisions as it chose; that as no member of either Chamber could be a member of the other, they would communicate with each other by formal messages in writing; that in the event of disagreement in their decisions, there might be a conference between equal numbers (usually three) of representatives of the two Chambers; and that they would only unite together formally in common session[2] at the end of the day to register the accord of such identical resolutions as had been passed by the two Chambers. Hence the old Assembly of Mayor, Sheriffs, Aldermen, and Common Councillors, in dividing into two co-ordinate Chambers, ceased in effect to exist as a single deliberative body. Whatever could be divided between the two Chambers was at once shared. They even agreed to divide the charity patronage possessed by the Assembly into two equal parts, so that each might henceforth dispose freely of its own half.[3] The only remnant of the former amalgamation was the elaborate system of bipartite committees, equally representing each Chamber, which had already been set up, and which now attained to greater constitutional importance as furnishing the indispensable working machinery of the disjointed Assembly. Meanwhile, the ancient Court of Mayoralty continued to meet, and to record its own proceedings, irrespective of either Chamber of the new Legislature. But from this time forward its business became less and less important, and its minutes more and more perfunctory. We see its magisterial work gradually taken over by the Justices, sitting in Petty, Special, and Quarter Sessions, whilst its administrative work was abandoned either to the Court of Aldermen, as a constituent Chamber of the Legislature, or to the bipartite committees of that supreme authority.[1]

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[1] Home Office Domestic State Papers in Public Record Office, No. 37, 30th August 1722.

[2] MS. Assembly Book, 2nd December 1728. This entry is followed by three blank pages. There are no entries for over thirteen months.

[3] 3 George II. c. 8 (1730).

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[1] "Ordered that for the future all memoirs for Assemblies be delivered to Mr. Mayor and Mr. Speaker respectively six days before any quarterly meeting" (MS. Assembly Book, 24th February 1742). In 1829 it was agreed that these "memoirs" should be printed, and copies delivered to each member three days before the meeting (*Norwich Mercury*, 9th May 1829).

[2] This took place by the Mayor, Sheriffs, and Aldermen coming into the Common Council Chamber, and thus completing the constitution of the Assembly, the Speaker presiding. The resolutions of the two bodies which had previously been communicated to the other, were then read over by the Town Clerk, and such of them as were found to be in identical terms alone became "Acts" of the Assembly. We may refer, by way of analogy, to the sort of common session of the English Parliament, at its opening and at its closing, and whenever the Royal assent is given to its Bills, when the Commons swarm into the House of Lords. At Norwich, as at Westminster, no resolution was passed by the common session, other than those already agreed to by the two Chambers; but it was suggested in 1833 that it would have been open to any member to address it, and for it to refer back to its constituent bodies any of the resolutions brought up before it (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2463).

[3] "To prevent any dissents which may arise at any Assembly for the time

This remarkable experiment in a bicameral Municipal Legislature worked badly from start to finish. Within ten years of its inauguration we find the two Chambers agreeing to resolve that "since the Act 3 George II. for regulating elections in Norwich it has frequently happened that the Court and Commons of the City have respectively dissented from Ordinances proposed by each of them for their joint assent in Common Council, in which cases of dissension many inconveniences have already been found." The Assembly appointed a bipartite committee to consider the means of obviating such inconveniences for the future.[2] In 1759 a further attempt was made "to consider of the present state of the government and polity of this City, by Act of Parliament, Charter, or otherwise," with a view to its amendment.[3] Neither of these committees produced an acceptable plan. From this time forward the formal minutes of the Assembly are silent on constitutional questions, and throw no light on the relations between the Chambers, as only such reports as

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to come, it is agreed by this Assembly that the sums of money [charitable loans] that are to be disposed of at such Assemblies shall be disposed of half by the Court and half by the Commons" (MS. Assembly Book, 3rd May 1731).

[1] We have had the opportunity of examining the minutes of the Assembly, which seem to be a record of those resolutions registered in common session as agreed to by majorities of both Chambers; and also the minutes of the Court of Mayoralty which continue unaffected by the Act of 1730. We did not find any minutes of the proceedings of the Common Council or of the Court of Aldermen between 1730 and 1835, though such records must have been made.

[2] MS. Assembly Book, 24th February 1740.

[3] *Ibid.* 17th September 1759.

were "received" by both Chambers, and only such resolutions as were agreed to in identical terms by both, are entered as acts of the Assembly. Fortunately, the newspapers were less discreet.[1] In 1743 an Ipswich journal records, as an item of news from Norwich, the failure of the Norwich Corporation to fill the vacancy in the important office of Steward, owing to "the Aldermen putting their negative to the choice of the Commons."[2] In 1784, as the same source informs us, the two Chambers of the Assembly failed to agree on the appointment of Rector to a living of which it possessed the advowson; in 1788 on the appointment of a Coroner; and in 1792 on the appointment of Town Clerk. "By the constitution of this City," sarcastically observes the *Ipswich Journal*, "each body has a negative upon the other."[3] It was in these years that an eminent local philanthropist was accorded the Freedom of the City by the Court of Aldermen, only to have it vetoed by the Court of Common Council; and a little later was similarly honoured by the Court of Common Council, only to be then rejected by the Court of Aldermen.[4] The Common Councillors, laconically remarks the journal, "are generally such as counteract the proceedings of the Court of Aldermen (who are elected for life) in all political concerns."[5]

Such a state of disunion was bad enough in the middle of the eighteenth century, when both Chambers seem to have been predominantly "blue and white," or Whig. But with the revision of parties and the increasing bitterness of politics which marked the last decades of the eighteenth century, together with the rapid growth of Nonconformity and Radicalism among the middle classes in Norwich in the nineteenth, the annually elected Common Councillors tended, whilst retaining the old colour of "blue and white," to become Radical in politics, the life-serving Aldermen drifting more and more into the "purple and orange," or Tory party. From 1818 to 1827, whilst the inhabitants seem to have been about evenly divided, the Common Council was mainly controlled by the Reformers and the Court of Aldermen by the Tories. But at all times Norwich elections were more matters of "blue and white" against "purple and orange" than contests of principle, and the dissensions between the two Chambers sprang more from their jealousy of each other's influence than from such contrasts in political principles as may from time to time have existed between them.

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[1] The Common Council admitted reporters to its meetings, at any rate from the very beginning of the nineteenth century, so that the local newspapers thenceforward give some information of its work, and reveal frequent disagreements with the Court of Aldermen, of which we should otherwise have had no record. The Court of Aldermen never admitted reporters; and when in 1827 the Common Council resolved that they should be allowed to stay through the meeting of the Assembly in common session, the Aldermen objected and withdrew to prevent a quorum (*Bury and Norwich Post*, 9th and 16th May 1827; *Norwich Mercury*, 26th June and 25th September 1830).

[2] *Ipswich Journal*, 14th May 1743.

[3] *Ibid.* 6th March 1784, 10th May 1788, 28th July 1792.

[4] *Ibid.* 10th May 1788.

[5] *Ibid.* 24th March 1786.

As a result of this conflict, the Municipal administration, especially after 1818, was in a constant state of dislocation. When in 1819 the Court of Common Council chose one clergyman to present to a living, the Court of Aldermen so persistently chose another that the Corporation found itself in default, and the presentation lapsed to the Bishop of the diocese.[1] When the Common Council sought, in 1818, to overhaul the administration of the Hospitals, in which the Hospitals Committee had assumed extensive executive functions and committed serious irregularities—when, moreover, the Common Council voted that twenty-five more boys should be admitted to free education at the Grammar School, and that the Corporation Library should be made accessible to readers—the Court of Aldermen intervened by its dissent to prevent what they considered an encroachment on the functions of the Court of Mayoralty.[2] The same dissension was carried into the work of the bipartite committees, which, in the absence of a casting vote, could always be paralysed by a party cleavage, if not by the abstention of one or other section. When in the Tonnage Committee, the "blue and white" Common Councillors proposed that the situations in that branch of the Corporation's administration should be divided equally between "the friends of both parties," the "purple and orange" Aldermen absolutely refused to agree to what the Whig newspaper regarded as "this equitable and reasonable proposition," and brought the whole work to a standstill rather than give way.[1] In revenge the Common Councillors tried to refuse payment for work which the Tonnage Committee had ordered during the previous year from the "friends" of the Aldermen's party—even to the extent of abstaining from attendance at the Assembly in order to prevent a quorum.[2] In 1826-27 the Corporation was for six months without a Chamberlain, as each Chamber insisted on its own nominee; and not until there had been repeated meetings, and some costly and fruitless litigation, did the Aldermen give way.[3] But the chief battle-ground of the factions was in the Chamberlain's Council, and in the Assembly when the reports relating to the admission of new Freemen came up for confirmation. Although the Corporation proceeded against non-Freemen for trading, and although an Act of 1723 had specifically entitled woollen manufacturers to take up their Freedom on certain terms, neither party in the Assembly had any desire to enfranchise any but its own supporters. From 1818 to 1827 the balance of power was against the "purple and orange" candidates, the "blue and whites" being admitted more freely, in spite of the attempts of the Aldermen to obstruct the business.[4] In 1827 the balance shifted, and for the next five years four times as many candidates of the "purple and orange" party were admitted as of the "blue and white," whilst the average fee charged to the former was only £9 : 0 : 6, as compared with an average of £17 : 16 : 4 exacted from the latter.[5] This led to frequent struggles between the parties; to abstentions of one section from the Chamberlain's Council, so that for over two years no business could be done; to costly applications to the Court of King's Bench, and to withdrawals from the Assembly to prevent even such Freemen as it passed from being sworn in.[1] It was not denied that the candidates were qualified according to law, but the Aldermen, at one of the conferences between the two Chambers, candidly confessed that they disliked the law, as it would open such a wide door to claimants to the Freedom, and enlarge the constituency to such an extent that it would be difficult, as one Alderman hinted, to continue to pay the customary ten pounds a vote at the Ward elections.[2]

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[1] *Ipswich Journal*, 27th February 1819. A similar deadlock in 1832 was only averted after five successive disagreements, just in time to prevent a lapse (*East Anglian*, 8th May and 9th and 16th October 1832).

[2] *Norwich, Yarmouth, and Lowestoft Courier*, 4th July 1818 and 27th February 1819; *Norwich Mercury*, 9th May 1829.

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[1] *Norwich, Lowestoft, and Yarmouth Courier*, 22nd August 1818.

[2] *Ibid.* 29th August and 12th December 1818 and 27th February 1819.

[3] *Ipswich Journal*, 9th December 1826, 23rd February and 24th March 1827. At the elections in the following month, the "purple and orange" party gained a majority of the Common Council, after ten years of minority, and promptly tried to displace the newly appointed Chamberlain of the other party, on the ground that it was only an annual appointment. This, however, it was not possible to maintain in the face of the precedents, and no new appointment was made (*Norfolk Chronicle*, 12th and 19th May 1827; *Bury and Norwich Post*, 13th June 1827).

[4] *Norwich, Yarmouth, and Lowestoft Courier*, 26th September and 12th December 1818, 2nd October, 20th November, and 25th December 1819.

[5] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2492.

The constant dislocation and occasional deadlock in the administration which the bicameral constitution of Norwich produced, cannot, however, be held responsible for the demoralising pandemonium of bribery and treating, intimidation and personal violence, which marked the incessant elections for which the City was distinguished.[3] The fierce political partisanship, which Humphrey Prideaux had noticed in 1681, culminated after 1818 in an indescribable disorder. During the Passion Week in each year—on four successive days of which, as we have seen, the Ward elections were held, and which was accordingly, with grim humour, called "the Cleansing Week"—"the City," declared the editor of a local newspaper, "is in a state of intoxication."[4] "Our Ward elections," wrote the local banker, J. J. Gurney, in 1833, "and other contests of a merely local nature, have long been a scene of shameless bribery, licentiousness, and corruption. Thousands of pounds have been spent on both sides in the horrid work of depriving the poor voters of their best treasures, integrity and temperance."[5] Not only was bribery openly practised, and beer distributed gratuitously on every side, but "hospital notes" and promises of Outdoor Relief were freely given in return for votes. The Norwich Municipal elections became notorious also for the practice of "cooping," that is, the forcible seizure of electors of the opposite party, who were kept in confinement until the poll was closed, and plied with liquor—"some say laudanum was put in it"[1]—to keep them quiet.

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[1] *Bury and Norwich Post*, 9th and 16th May 1827, 14th and 21st May, 4th and 25th June, 2nd July 1828; *Norfolk Chronicle*, 17th January 1829; *Norwich Mercury*, 9th May 1829 and 30th October 1830.

[2] *Ibid.* 14th May 1828.

[3] Elaborate descriptions of the electoral disorders of Norwich can be found in the *Digest of the Evidence taken before two . . . Municipal Corporation Commissioners*, 1834; which is summarised in First Report of Municipal Corporation Commission, 1835, vol. iv. pp. 2484-99.

[4] *Ibid.* p. 2498.

[5] Letter to *Norfolk Chronicle*, January 1833, given in *Memoirs of Joseph John Gurney*, by J. B. Braithwaite, 1854, vol. i. p. 479. "In the meantime," he adds, "the General Elections have been subject to some considerable degree of decency and restraint." It seems to have been a feature of Norwich, as we have already noted of Berwick, that Municipal affairs were more corrupt than the Parliamentary elections.

But far worse than the corruption and violence at the polls was the result of the system on the City government. From top to bottom the whole administration was dominated by party considerations in their lowest form.[2] The joint committees of the Assembly reflected accurately the political complexion of the majority of each Chamber from year to year. There was at issue no question of Municipal policy, and the whole internal life of the Corporation took the form of a struggle for its patronage—for the admission of Freemen, the appointments to the numerous petty offices, the filling of vacancies at the "Hospitals," the grant of Outdoor Relief, and even the privilege of admission to the workhouse. "The inmates of the Great Hospital," it was officially reported, "have been introduced as the political supporters of the Aldermen; and there is no instance within [the witness's] knowledge of a political opponent being selected."[3] Appointment to the salaried force of Watchmen was confined to supporters of whichever political "colour" happened to be dominant. "Unless," said one of the witnesses, "a man is an active partisan, he has no more chance of being a Ward Constable than of being Mayor."[4] All contracts for the Hospitals or the workhouse were given to tradesmen belonging to the political party in power.[1] What we are sometimes tempted to consider the characteristic feature of American politics—removal from office in order to give the "spoils to the victors"—was reduced to a system in the Norwich of 1818-1835. "No sooner does a member of the Corporation attain its highest dignity than he proceeds to distribute his patronage among the members of his party, giving a natural preference to those who have been most active and efficient. Indeed the tyranny of party over individual inclination appears to be complete and irresistible. A Freeman of the 'blue' party who held an inferior office under the Mayor, applied to an Alderman of the other party, who had been elected Mayor, to be continued in his employment. The answer was, that if he (the Mayor) had a will of his own, he would appoint two of each party, but that he could not do so, and that he must discharge all belonging to the 'blue' party. The applicant was restored to his office in a subsequent year, when a member of his own party became Mayor; and again turned out by a succeeding Mayor of the 'purple' party."[2] Even the administration of justice was gravely affected. "Every rogue in this City," said an Alderman, "is either a Blue or a Purple, and his party make it a point of honour to bring him off if possible."[3] In the "Court of Conscience"—the local Court of Requests for the recovery of petty debts, in which the Judges were the Mayor, Aldermen, and Common Councillors, or such of them as happened to attend—the Registrar admitted that "on two occasions when there were divisions in the Court, the Blues were on one side and the Purples on the other."[4] With such an electoral system, and such results, it is not surprising to learn that "intelligent and respectable persons are deterred from offering themselves as members of the Corporation,"[5] whilst "tradesmen have joined the Corporation for the purpose of being employed."[6] "The sin, guilt, misery, wretchedness, and poverty which our system of Municipal elections inflicts on this City," said one of the local bankers, was beyond all description. "Both parties," he added, "to my knowledge, are equally guilty."[1] "The dignity of an Alderman," it was said in 1832, "is now an office of unutterable contempt in the estimation of the citizens at large."[2]

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[1] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2486.

[2] Even the two joint-stock companies, which had been voluntarily formed to erect additional toll bridges over the river under Local Acts, were dominated by political partisanship. All the shareholders of Carrow Bridge were "purple and orange," and all those in the other company were "blue and white." The Corporation successively subsidised both bridges, as each faction in turn held the power (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2477).

[3] *Ibid.* p. 2496. "Notes were [prior to 1827] given for the workhouse similar to those . . . for the Hospital, and allowances were made to voters until they could be admitted. . . . Voters without any claim to parochial relief were maintained out of the Poor Rates" (*ibid.* p. 2497).

[4] *Ibid.* p. 2496.

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[1] See the instances given by the *Norwich Mercury*, 29th November 1834: "Last year the clothing was made by ten tailors, all 'orange and purple.' This year . . . eleven tailors are to have the work, viz. ten of the 'orange and purple' party, and one of the 'blue and white,'" though the last-named tendered for the whole at 17 per cent lower than the price uniformly quoted by the ten others.

[2] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2495.

[3] *Ibid.* p. 2495.

[4] *Ibid.* p. 2495.

[5] *Ibid.* p. 2498

[6] *Ibid.* p. 2498.

It remains to be said that the Norwich Corporation managed throughout the eighteenth century to retain its control over every department of the local administration. It is true that by Local Act of 1701[3] a separate "Court of Conscience," or Court of Requests, and by Local Act of 1712,[4] a separate "Court of Guardians of the Poor" were established, both of which relieved the Corporation itself of part of its work.[5] But the former body was only the Mayor, Aldermen, and Common Councillors acting under another name; and the latter body consisted of the Mayor, Aldermen, and Sheriffs (together with the Recorder and Steward), and thirty-two other persons, usually Common Councillors, appointed by the Assembly.[1] Even when the Conservancy of the River was placed under a body of River Commissioners representing Norfolk, Suffolk, and Yarmouth, as well as Norwich, the Norwich Corporation managed to keep its own twenty miles of river in its own hands, receiving annually from the River Commissioners, for expenditure by its own River and Streets Committee, what was deemed to be its share of the gross receipts.[2] Not until 1806 do we find the Norwich Corporation beginning to part with its powers, when, by Local Act,[3] a body of Paving Commissioners was established, in which the members of the Corporation formed only a minority. In 1827, when the great workhouse, erected in 1712, had become "in every part of it a scene of filth, wretchedness, and indecency which baffles all description, without regulations of any kind,"[4] and the lavish distribution of Outdoor Relief to political partisans had run up the expenditure to £40,000 a year, the constitution of the Court of Guardians was at last overhauled, and the Corporation members were, by another Local Act,[1] reduced to twenty, in a body principally composed of directly elected representatives. Four years later the Corporation members were wholly excluded.[2]

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[1] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2498.

[2] *Letter to Lord Stormont and Sir J. Scarlett*, by Richard Bacon, 1832, p. 23. Though there is no evidence of actual embezzlement, there was evidently reckless waste by the Aldermen who were charged with the administration of the Hospital funds; and it is clear that the Aldermanic office had its perquisites. The Aldermen were largely interested in the profitable waterworks concession (*Ipswich Journal*, 19th October 1793). We hear of Aldermen holding beneficial leases, and evading some of their obligations (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2496). The Court of Mayoralty appointed individual Aldermen to be Treasurers of the Hospitals, and allowed them to accumulate huge balances, sometimes amounting to thousands of pounds, of which they took the interest (*ibid.* p. 2497; *Norwich Mercury*, 10th January 1830 and 21st July 1832). The Court of Mayoralty and the Court of Quarter Sessions appointed their own members to salaried offices, such as County Treasurer and Inspector of Corn Returns (besides giving the Gaol Chaplaincy to the son of one of them), against which protests were made (*Norfolk Chronicle*, 13th October 1827; *Norwich Mercury*, 6th June 1829). And in 1802 we find the Assembly voting an annuity of £100 a year to a bankrupt Alderman, with £25 to his daughter if she survives him, with provision against its seizure by his creditors (MS. Assembly Book, 13th October 1802).

[3] MS. Assembly Book, 3rd May and 17th June 1689, 18th July 1701; House of Commons Journals, 27th March and 12th June 1701; 12 and 13 William III. c. 7.

[4] 10 Anne, c. 6; *The Norwich Workhouse Act*, 1827.

[5] As in other Corporations, we see a gradual casting off of burdens. Already in 1700, by a clause in an Act giving confirmation to a concession as to water-supply, the Corporation got power to exact contributions from householders towards the cost of lamps put up by the Mayor (11 and 12 William III. c. 15; confirmed by a clause in the Workhouse Act of 1712). The establishment of the Court of Guardians in 1712, with its unstinted Poor Rate, marks the disappearance from the Corporation records of various items of Poor Relief. In 1721 the Assembly resolved "that certain charges hitherto paid shall cease, viz. the repairing of the bridges which have been very expensive to the Corporation of late years; and payments for straw, etc., for the Gaol, all which this Committee think to be payments which belong properly to the County of the City" (MS. Assembly Book, 28th July 1721).

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[1] *An Abstract of Several Acts of Parliament relating to the City of Norwich*, 1713.

[2] The Corporation periodically obtained from the Crown a Commission of Sewers for the City and County, appointing the Mayor, Recorder, Steward, and Aldermen to be the Commissioners, and authorising them to levy a Sewers Rate by the acre on the owners of land benefited. Records of the proceedings of such Commissioners, and the "books of verdicts" of the Sewers Juries, exist in the Corporation archives for 1691, 1703, 1739, 1750, 1761, and 1772 (*Revised Catalogue of the Records, etc.*, by Rev. W. Hudson and J. C. Tingey, 1898, pp. 45-46).

[3] 46 George III. c. 67. This Act was the outcome of more than a century of projects and suggestions. We see arrangements made for lighting the streets, erecting watch-houses, and maintaining scavengers' carts and horses in the closing years of the seventeenth century, which obtained a partial sanction by clauses inserted in a Waterworks Act of 1700 (11 and 12 William III. c. 15), and the Workhouse Act of 1712 (10 Anne, c. 6); see MS. Assembly Book, 1st December 1697, 5th and 7th February 1700; House of Commons Journals, 20th February 1712; *An Abstract of Several Acts of Parliament relating to the City of Norwich*, 1713. In 1706, 1763, 1783, 1800, 1803, and 1805, proposals for obtaining further Parliamentary powers were under discussion, and committees were appointed without result (MS. Assembly Book, 20th December 1706, 28th January and 24th February 1763, 21st September 1783, 3rd May 1800, and 21st September and 22nd October 1805; *Iris*, 5th, 12th, and 19th February and 19th March 1803; *Ipswich Journal*, 2nd November 1805). An amending Act (6 George IV. c. 78) was obtained in 1825 (*Norfolk Chronicle*, 12th June 1824, 29th January, 12th March, and 18th June 1825).

[4] *Norwich Mercury*, 7th March 1829.

"The sturdy champions of ancient abuses," as the Mayor, Aldermen, and Common Councillors of Norwich were fitly termed, "resolved to die game."[3] When the Municipal Corporation Commissioners were appointed, the Norwich Corporation, far from admitting the need for any reform, took the lead in organising the resistance of all the Boroughs. The two Sheriffs flatly refused to recognise the authority of the Commissioners or to appear before them. Both Chambers of the Assembly, united in face of the common danger, voted a long and impassioned memorial of protest, which is entered in full in the minutes. They denounced the Royal Commission as "an assumption of power contrary to law." They derided the procedure of the Commissioners as "irregular, vague, and arbitrary." They stigmatised the evidence as emanating only "from the most decided and unscrupulous partisans . . . unworthy of credit," and after an elaborate recital of "the incontrovertible fact" of their own virtuous behaviour, they vehemently protested against "any report being made" by the Commissioners, and invited, by an urgent circular, the other Municipal Corporations to call a meeting of delegates in London to defend their common property.[4] When the other Boroughs failed to respond,[5] both Chambers of the Norwich Corporation combined to send a committee of their own to Westminster, at a cost of £300, in a last desperate attempt to rally the House of Lords in their defence.[6] Right down to the end they continued to admit new Freemen, and they finished up by voting a piece of plate worth fifty guineas to the Speaker of their Common Council for his energy in defending their rights, and by ordering that the whole of the balance that might be in the Chamberlain's hands on the last day should be lent for seven years, free of interest, to a local manufacturing firm, in order to leave their successors in office without a farthing.[1]

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[1] 7 and 8 George IV. c. 29 (1827); *Abstract of an Act to alter and amend an Act of the Tenth Year of Queen Anne*, 1827; *Report and Appendices presented to the Court of Guardians*, 1828.

[2] 1 and 2 William IV. c. 51; *Letter to Lord Stormont and Sir J. Scarlett*, by Richard Bacon, 1832; Sir John Walsham's report on Norwich in Tenth Annual Report of Poor Law Commissioners, 1844.

[3] *Suffolk Chronicle*, 27th June 1835.

[4] MS. Assembly Book, 9th January 1834; *Ipswich Journal*, 18th January 1834. This "fiery cross" had evidently been sent out in hot haste by a committee, as it is entered in full in the MS. Minutes of the Leeds Town Council as early as 5th January 1834.

[5] *Norwich Mercury*, 18th and 25th January 1834.

[6] *Suffolk Chronicle*, 27th June 1835; *Ipswich Journal*, 27th June 1835.

The Bailiffs, Burgesses, and Commonalty of Ipswich

We may spare the reader any historical account, even from 1689 to 1835, of "the Bailiffs, Burgesses, and Commonalty of Ipswich,"[2] an ancient Municipal Corporation fortified by many Charters, which exercised its jurisdictions over the little market town and port in Suffolk, counting, by 1831, 20,600 inhabitants. To the student its quaint and complicated constitution will recall those of Beccles and Tetbury on the one hand, and Berwick and Norwich on the other. Right down to 1835 its government remained in the hands of the Freemen at large, duly qualified by Birth or Apprenticeship. Meeting periodically in their "Great Court," summoned by blowing of the ancient horn at the preceding midnight,[3] they alone, by tumultuous popular vote, filled the Corporate offices, expended the Corporate funds, and performed every Corporate act.[4] These public meetings of Freemen, like the Berwick "Gilds," may once have included practically all the resident householders of the town. But even in 1689[1] the Freemen had become largely non-resident, and represented only a minority of the families inhabiting the Borough. By 1833 they had come to comprise only one-tenth of the inhabitant householders; and, whilst including a few wealthy families, to be made up for the most part of "journeymen, labourers, and mechanics," many of them being actually paupers.[2] Thus, as at Berwick, not only all the appointments to Corporate offices, but also every step in Municipal administration, had to be made at crowded public meetings, by what was often an excited and not infrequently a disorderly mob. But Ipswich, unlike Berwick, and in significant correspondence with its neighbour Norwich, had also its "Assembly." Alongside the Great Court of Freemen there had, in fact, grown up a bipartite deliberative body, also presided over by the Bailiffs, composed of twelve "Portmen"[3] and twenty-four "Common Councilmen,"[4] each part of which renewed itself separately by co-option, and even exercised separately certain functions of its own; but also co-operated in constituting a sort of standing advisory council to the Bailiffs on the one hand, and to the Great Court on the other. This so-called "Assembly" did not, like that of Norwich, act independently on behalf of the Corporation. It made recommendations to the Great Court, and these recommendations had precedence on the agenda for that body.[1] Its members attended the Court Leet and furnished the Headboroughs who acted as the presenting Jury. It served also as an audit committee, having before it annually the Clavigers' accounts. But its most important function seems really to have been to serve as a panel, from one or other side of which alone the Freemen, in Great Court assembled, could, according to long practice, annually choose the two Bailiffs, the two Coroners, and the three Clavigers, and even such principal officers as the Town Clerk and the Town Treasurer, upon whom the government really depended. At Ipswich, as at Norwich, the two sections of this bipartite "Assembly" had, in the course of the eighteenth century, been respectively captured and permanently dominated by the two political parties, so that the Portmen, or "Yellows," were constantly in violent opposition to the Common Councilmen, or "Blues." But this cleavage in politics, perpetuated by the co-option of new members by each constituent section separately—though it constantly distracted the Corporation from the calm discharge of its Municipal duties—did not at Ipswich assume the same constitutional importance as it did at Norwich, seeing that both Portmen and Common Councilmen were alike subordinate to the Great Court of Freemen.

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[1] MS. Assembly Book, 21st September and 17th December 1835; *Bury and Norwich Post*, 29th September 1835.

[2] MS. Archives, Corporation of Ipswich (Minutes of Great Court, Quarter Sessions, and Head Boroughs' Court; book of "Foreigners' Fines," etc.); First Report of Municipal Corporation Commission, 1835, vol. iv. pp. 2292-2341; *Ipswich Journal* and *Suffolk Chronicle*; numerous papers and pamphlets by Rev. R. Canning, W. S. Fitch, W. C. Fonnereau, B. P. Grimsey, John Glyde, E. L., W. E. Layton, J. E. Taylor, and Rev. C. H. E. White; *The Annals of Ipswich*, by Nathaniel Bacon [1654], edited by W. H. Richardson, 1884; *History and Description of . . . Ipswich*, by G. R. Clarke, 1830; *A New Guide to Ipswich*, by John Wodderspoon, 1842; *Memorials of the Ancient Town of Ipswich*, by the same, 1850; *Royal Illustrated History of Eastern England*, by A. D. Bayne, 1873, vol. i. pp. 302-309; *Town Life in the Fifteenth Century*, by Mrs. J. R. Green, 1894.

[3] *Suffolk Chronicle*, 21st February 1824.

[4] The MS. Minutes of the Great Court, which we have explored from 1689 to 1835, have been freely used by the local historians, especially Clarke and Wodderspoon. Many of the seventeenth-century entries have been published in *The East Anglian*, vols. i. to v., new series, 1885-1894, in a series of papers by W. E. Layton.

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[1] In 1695 the population is said to have been as much as 12,000, the males much in excess of the females (*In and about Ancient Ipswich*, by John E. Taylor, 1888, p. 98). At that date the Freemen cannot have numbered more than a few hundreds. The town then fell into decay, and did not again attain so large a population until 1811.

[2] In 1830 it was said that, out of the 400 resident Freemen, only 35 were £10 householders (*Ipswich Journal*, 6th February 1830). It was computed in 1833 that one-ninth of the resident Freemen were paupers; one-third of them were so poor as not even to be on the rate-book; one-ninth had to be excused from payment of rates on account of their poverty; leaving 187 Freemen as actual ratepayers, out of a total of about 2000 rated occupiers (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2307).

[3] The twelve Portmen of Ipswich (see *supra*, p. 363) are usually assumed to date from 1200, when (as we learn from a fourteenth-century document) the Burgesses, at their first Great Court, resolved that there should be twelve Portmen "as in the other Free Boroughs of England"; though these officers, who were apparently intended to be assistants to the Bailiffs, had not been provided for in the Charter. It is suggested, on the other hand, that they represent the ancient Hostmen who (as at Newcastle-on-Tyne) were responsible for the foreign merchants (*Memorials of Ipswich*, by J. Wodderspoon, 1850, p. 129). By a Charter of 1665 their position and their habit of renewing themselves by co-option were definitely ratified. They formed a constituent part of the Assembly, though their presence was not necessary to a quorum. Collectively they owned and administered the Portmen's Walks or Portmen's Marsh, being seven acres of land which had been bequeathed to them, it was said, for the support of their horses (*ibid.* p. 129). They not only filled vacancies in their own body, but could also remove any of their number from office, and they did so in one case in 1808. They met separately from the Common Councilmen when they chose, and passed resolutions of their own (*Suffolk Chronicle*, 30th January 1813). The Portmen had, by 1833, let their number sink to four, in order to retain the Magistracy permanently in the same hands.

[4] The origin and exact constitutional function of the twenty-four Common

What is of special interest at Ipswich is the fact that, in the third decade of the nineteenth century, at any rate, the

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Councilmen, who were individually also the Chief Constables of the Borough, are obscure. By the Charter of 1665 their existence and habit of renewing themselves by co-option were definitely ratified. Down to the Paving and Lighting Act of 1793 (33 George III. c. 92) they acted collectively as Chief Constables for the Borough, and the Magistrates' warrants for levying the Borough Rate were still addressed to them in 1833. They chose twelve or sixteen of their number to act as the body of Head Boroughs who formed the presenting Jury at the Court Leet. They formed a constituent part, and in practice the dominant part, of the Assembly.

[1] *Suffolk Chronicle*, 24th April 1830.

most effective constituent of the working constitution, as it really existed, was none of these legally authorised bodies or officers, but a privately formed, unincorporated society for social and convivial purposes, which played, in reality, the largest part in the government of the Borough. Clubs of Freemen for the purpose of political organisation had long been known at Ipswich, and had successfully influenced particular elections.[1] Nor was the device monopolised by any one party.[2] One such organisation, however, presently surpassed all the others in influence and audacity. The Wellington Club, as we find it in 1833, was a permanent body, seeking to control practically the whole administration of the Borough. It had, in fact—to use the words of the leading banker—"taken the Corporate concerns so much into its own hands as to supersede the functions" of the legally constituted bodies,[3] and to "become the only efficient deliberative body in the Borough."[4] The club, we are told, had originated in the objection entertained by the more venal Freemen to the compromise or coalition by which the respectable members of both political parties had vainly tried to avert the frequent expensive contests for Corporation offices and the shameless electoral corruption which marked the factious proceedings of the "Blues" and "Yellows" of the Great Court. The members of the club, who were nearly all Freemen, and included in 1833 all the Common Councilmen, the Bailiffs for the year, and nearly all the living ex-Bailiffs, met monthly at one of the public-houses, under the presidency of its "Boss," who was a little retail tailor who knew how to make himself a force in the local politics. At these meetings all the affairs of the Corporation, and particularly all the forthcoming vacancies for Corporate offices, were formally debated. The members of the club seem to have been "blue," or Tory, in politics, but the dominant object of their combination was "to keep all patronage and advantages among the lower class of 'blue' Freemen";[1] to protect the privileges and perquisites of the individual Freemen even against the Common Council or the Bailiffs, and particularly to keep going the incessant election contests, by which the more venal voters so much profited. The club chose its own candidates for every elective office or place, from the Bailiffs for the year down to the Collector of Coal Dues, from the Master of the Grammar School down to the pensioners at the Hospitals; and the candidates so chosen, supported by the funds dispensed by the club's Treasurer, who was a spirit merchant, were, we are told, always successful. To the monthly meetings came not only the Common Councilmen, to receive their instructions, but also the Bailiffs—the Chief Magistrates of the town—to explain their official acts, "and, if their conduct is approved, their health is drunk with applause; if disapproved a debate ensues."[2] "If a resolution passed by the Assembly is disapproved by the club, the same individuals who voted for it in the Assembly, vote against its adoption in the Great Court." By 1833, so powerful and all-pervading had become the influence of this professedly convivial body, that its "approbation and support," we are told, were "necessary to secure the success of any candidate for office or of any measure proposed for adoption."[3] The working constitution of the Borough was, in fact, centred in the Wellington Club, which, it was currently reported, "ruled the town."[4]

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[1] Thus, in view of the impending Parliamentary election of 1790, when the seat was sought by a wealthy Anglo-Indian, a certain Noah Sibley, a local leader, started a club called "the Good Samaritan, or the Ark Masons," having friendly society objects and convivial meetings, processions, insignia, dinners at which the candidate spoke, and so on. The club's candidate was successful (*History and Description of Ipswich*, by G. R. Clarke, 1830, p. 117).

[2] We have, for instance, had the opportunity of consulting the MS. Minute Book of a "Committee to further the Independence of the Borough of Ipswich," formed by the Whigs, or "Yellows," of 1818, which organised electoral committees for the several districts, and "a club of independent Freemen."

[3] Mr. E. Bacon, in First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2298.

[4] *Ibid.* p. 2338.

It remains to be stated what was the character, and what was the effect upon the Freemen and the life of the town, of the administration afforded by this remarkable assumption of the government by a voluntary social club. We may notice first the intense party spirit and gross partisanship which penetrated every ramification of the Municipal work. Ipswich had long been used to fierce struggles at the polls, Parliamentary and otherwise, at which the "Blues" and "Yellows" vied with each other in all the usual accompaniments of eighteenth-century electioneering—the universal "treating"; the lavish expenditure on colours, etc.; the distribution all round of favours and promises of favours; the more gross, if more simple, bribes of money;[1] the importation on polling day of shiploads of non-resident Freemen from London;[2] and even, occasionally, in imitation of Norwich, the forcible "cooping" of hostile Freemen.[3] What was remarkable at Ipswich was the extent to which this pandemonium of electoral corruption led to incessant contests at the Municipal as well as at the Parliamentary elections. The annual choice by the Freemen, not only of the Bailiffs, but of nearly all the principal officers, gave an opportunity for frequent polls, of which the Wellington Club did not fail to avail itself. There was usually no principle at stake. There was sometimes (as in the filling of vacancies for Recorder and Master of the Grammar School) even a widespread feeling in favour of a particular candidate, as plainly the best qualified for the vacancy. But what the poorer Freemen wanted was, at all hazards, a contest, the more spirited the better, in the course of which they could pick up something for themselves. It was "a common observation among them . . . that the Corporation pocketed the Corporate funds, and [that] it was only at an election that the Freemen could get their own share."[4] The Borough was sufficiently evenly divided between the "Blues" and the "Yellows," and both factions were sufficiently ready to fight, to make it, after 1820, fatally easy to get up a contest. For many years previously, the party of the Common Council who were the Tories or "Blues" had usually prevailed with ease, and there had been few polls for Municipal offices. From that date, owing to various local causes, as well as the general political development, political parties became more evenly balanced; and the Portmen, who were Whigs or "Yellows," had a chance of carrying their candidates. It was, however, largely owing to the machinations of the Wellington Club that, in the fourteen years from 1820 to 1833, besides the Parliamentary elections, there were more than fifty exciting contests for Municipal posts—ten polls for Bailiffs, eight for Town Clerk, five for Town Treasurer, eight for Crier, eight for Water Bailiff, eight for Hospital Guide (or Keeper of the Bridewell), and two for Collector of Coal Dues,[1] besides others for the Governors of the local Hospital, the Clerk to the Paving Commissioners, and the Collector of Rates under the Paving and Lighting Act.[2] Even the purely honorary High Stewardship of the Borough was made the excuse in 1821 for a severe party fight.[3] When nothing else offered, there would be, as in 1828, a poll to decide whether Corporation farms should be let to the "blue" or the "yellow" applicants for the tenancies.[4] Only one year out of the fourteen was allowed to pass without at least two contested elections, whilst in the year 1827 there were seven.[5]

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[1] *Ipswich Journal*, 29th March 1834.

[2] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2299.

[3] *Ibid.* p. 2339.

[4] *Ipswich Journal*, 29th March 1834.

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[1] "The Freemen are described as going from one committee to another, watching the turn of the market, and as soon as one party refused to pay them more . . . the election was decided" (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2311). Some account of the Ipswich Municipal bribery will be found in the Home Office Domestic State Papers, 3rd October 1827, in Public Record Office.

[2] In 1827 the "Yellows" carried their candidates for Bailiffs and for Town Clerk, "in consequence of their having freighted *The Suffolk* steamer with a valuable cargo of Free Burgesses, who arrived in Ipswich about eight o'clock at night, and secured the triumph of their party" (*History and Description of Ipswich*, by G. R. Clarke, 1830, p. 162).

[3] "Voters were decoyed into public-houses, there intoxicated, and then carried out of the town in post-chaises, under the custody of keepers appointed for the purpose. . . . One was confined in the house of a Common Councilman; another in the house where an election committee was sitting. The Chief Magistrates of the town were told that Freemen were decoyed, intoxicated, and confined, but they declined to interfere" (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2310).

[4] *Ibid.* p. 2310.

It is needless to say that, under such influences, the whole

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[1] The poll was sometimes (as in 1822) on a Sunday (*History and Description of Ipswich*, by G. R. Clarke, 1830, p. 151).

[2] MS. Archives, Corporation of Ipswich, 1820-33 (the minutes of the Great Court during these years contain little else but records of these incessant pollings); printed *Poll Books* of particular elections (1806-1859 in British Museum, others from 1755 at Ipswich); *Times*, 4th October 1821.

[3] *History and Description of Ipswich*, by G. R. Clarke, 1830, pp. 150-153.

[4] MS. Archives, Corporation of Ipswich, October 1828; *Ipswich Journal*, 4th October 1828.

[5] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2312. "It appears," observe the Municipal Corporation Commissioners, "that no measure, however beneficial, no candidates for office, however well chosen, can receive the concurrent support of the two parties in the Assembly without immediately provoking the opposition of [the Wellington] Club" (*ibid.* p. 2299). "Above all," had said a local newspaper in 1824, "the Freemen, on both sides, have a truly English instinctive abhorrence of all coalitions" (*Suffolk Chronicle*, 14th February 1824).

Municipal administration was made subservient to political partisanship, and a particularly mean corruption. The Ipswich Freemen had no common pastures to share, and no meadows to allot. But they could convert their votes into a stream of petty perquisites. On the King's birthday, "cakes and wine" were annually distributed to all the Freemen present;[1] a ceremony which naturally degenerated into a scramble. About 1820 this was commuted for an annual distribution of half-crowns.[2] More profitable was the customary payment of half a crown to every Freeman on every attendance at the Great Court.[3] There were, however, far greater indirect profits than half-crowns. The Corporation had property in houses and lands, on which various works of repair had to be done. "Freemen," we are told, "are in almost all cases employed in these repairs. To keep them in pay upon the Corporation estates is one of the means resorted to for securing their votes at the elections. This is admitted by both parties, and it is described by one of the Council as a part of the general system. The annual contests, he says, for Municipal offices, have made the Freemen of greater consequence and rendered it necessary to consult their interests more, in order to obtain their support; hence an increased expenditure for repairs. The Bailiffs order the work to be done, and have no power to prevent it. Frequently it is begun without waiting for their order, and while it is going on they are told that it is necessary."[4] Nearly a third of the Corporation's rental was accordingly each year frittered away in repairs.[5] With the same object—"to secure votes at the elections by finding constant employment for Freemen"—the Corporation water-pipes were always being tinkered with, to the great public inconvenience, it was said; "the pipes are frequently taken up, and the water is turned off without any necessity, and only as an excuse to keep a certain number of voters in pay. One of the Portmen states that many of them may be seen idling about the streets whilst they are receiving wages for this superfluous work."[1] Each party strove with might and main to keep all the jobs for its own supporters. The Tory Bailiffs, in co-operation with the Common Councilmen, appointed none but "Blues" to be Beadles, Serjeants at Mace, Crane Porters, Collectors of Town Dues, Fleshwardens, Aleconners, or Leathersealers. It was the loyal "blue" Freemen whose sons were admitted to the endowed school, and who eventually became pensioners on the Hospital foundations. On the other hand, the Portmen contributed four out of the six Magistrates, and thus were able to insist that the Gaoler, the Gaol Chaplain, the Gaol Surgeon, and the Treasurer of the Marshalsea Rate, whom they appointed, should be "Reformers" or "Yellows." They controlled, too, the River Commissioners, to whom the port had been in 1805 by Local Act transferred, and with whom the Corporation was always at war, with the result that the Commissioners rigidly excluded every "Blue," not only from their managing committee, but also even from their staff of day labourers.[2] "As things now are," summed up a despairing local humanitarian in 1833, "supposing Blues or Yellows are in office for twenty years (no matter which), it is quite clear that, balanced so nicely as parties are in Ipswich, half the town who happened to be in opposition would never be benefited by all the charities and Corporation funds. . . . As long as so much patronage, in other words political power, is lodged in the hands of the Bailiffs, the office will be coveted for political ends; and that which was given for the good of Ipswich and for the relief of the

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[1] MS. Archives, Corporation of Ipswich, 31st July 1723.

[2] *Ipswich Journal*, 24th April 1824; *Suffolk Chronicle*, 31st May 1834. There had formerly been an annual "Gild feast" on Corpus Christi Day, in which all the Freemen participated, given by the two "Gild-holders" or "Gild merchants," who were annually elected by the Great Court, and to whom, at any rate down to 1723 (MS. Archives, Corporation of Ipswich, 5th June 1711, 7th June 1723) an allowance was made for the purpose.

[3] "The person selected by the Council to distribute these half-crowns is the Treasurer of the Wellington Club" (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2328). In 1833 the half-crowns were withheld, as the Corporation had no money in hand; whereat there was great disorder, and the Bailiffs left the Hall amid general reviling (*Suffolk Chronicle*, 5th October 1833).

[4] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2328.

[5] That such jobs should be confined to Freemen did not, in 1820, strike even the opposition newspaper as open to criticism. But "their talents," it observed, should be "equal to their duty, and their wages level with their

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labour," whereas, at one specified work, "a number of hands are employed at exorbitant wages, who are totally incompetent to the task they have undertaken. There are tailors, shoemakers, a tallow-chandler, a baker, a butcher, and others employed in this project," viz. the taking down and rebuilding of the Town Hall (*Suffolk Chronicle*, 2nd September 1820).

[1] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2321.

[2] *Ibid.* 1835, vol. iv. p. 2324.

indigent, will only be enjoyed by the tools of a party."[1] What was worst of all was the partiality of the local police and judiciary. The Commissioners of the Court of Request, a local petty debt tribunal, having to fill up vacancies in their own body, steadily co-opted none but "Blues." At the annual races, when one or two hundred poor old Freemen or their relations were engaged as Special Constables at half a crown a day, at a total cost of £50 to £100—a practice declared "to have no other object than to influence or reward their votes at the elections"—none but "Blues" were appointed, and they were placed under the control of the whisky-dealing Common Councilman, who was the Treasurer of the Wellington Club.[2] The Magistracy was, as we have seen, after 1820 usually divided between the two "blue" Bailiffs for the year, the popularly chosen Recorder whose election had been made the subject of a party contest, and the four permanent Portmen who were "all Reformers";[3] and the two parties on the Bench were always at loggerheads about the application of the funds under the Magistrates' control, and whether or not to increase the force of police.[4] Of many of the Bailiffs of 1820-1833 it could be said that "their judicial authority has been acquired by violations of the law which they are appointed to administer; and their official salary forms part of the fund appropriated to the corruption of those over whom that authority is to be exercised. They are not supported by the respect of the inhabitants."[5] When any Freeman was "in trouble," it was commonly assumed to be the duty of his party on the Magisterial Bench to get him let off as lightly as possible. "As long as our Town Magistrates are violent party men," writes an outspoken critic, "they will lose that respect which ought to attach itself to their office. Is not this saying most common?—'Oh, he got off easily for that offence because he was a Freeman.'"[6]

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[1] *Remarks and Suggestions relative to the Management of the Poor in Ipswich*, by W. C. Fonnereau, 1833, pp. 56, 62.

[2] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2318; *Ipswich Journal*, 25th July 1835. The extravagant multiplication of paid Special Constables on other occasions, for the sake of influencing the Freemen, had long been complained of (*Suffolk Chronicle*, 17th October 1818).

[3] *New Suffolk Garland*, by John Glyde, 1866, p. 435.

[4] *Suffolk Chronicle*, 19th October 1833; *Ipswich Journal*, 26th October 1833.

[5] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2339.

[6] *Remarks and Suggestions relative to the Management of the Poor in Ipswich*, by W. C. Fonnereau, 1833, p. 56.

We need not describe the result of such an administration on the finances of the Corporation. It suffices to say that, notwithstanding the transfer of the paving, lighting, and cleansing to Paving Commissioners, and of the port to River Commissioners, the Great Court (with land and house property let for over £1100 a year; water rentals of £700 a year, and coal dues producing between two and three hundred a year) found the Town Treasurer perpetually hard up. The management of the Corporation property was of the most improvident kind. The accounts were kept in a scandalously negligent manner, and allowed to fall into arrear. Much public revenue was lost by neglect. Debts were recklessly contracted. Year after year the Corporation maintained its distribution of half-crowns to the Freemen, its lavish engagement of Special Constables, its constant expenditure on repairs, its salaries to a long array of useless officers, and its dinners to the Common Councilmen, whilst it had an average annual deficit of several hundred pounds, and was piling up a debt which by 1833 amounted to £14,300.[1]

The student of Municipal constitutions will be interested in tracing a curious parallelism of form between Norwich and Ipswich and certain nineteenth-century developments in the cities of the United States. We have the same popularly chosen head of the town; the same popular election of nearly all the officers annually; the same practice of simultaneous elections for several posts; even the same bicameral constitution of the representative body, the two Chambers at Norwich even sitting separately in Parliamentary or Congressional form; the same complete disappearance of issues of policy in the all-pervading struggle of the "Inns and Outs" for distribution of patronage to their own supporters; and as if to complete the resemblance, we have, in the Wellington Club of Ipswich, concentrating its whole attention on maintaining its power and promoting the interests of its members through all the ramifications of the Municipal and judicial work of the city, a close analogue of the celebrated "organisation of good-fellowship," known as Tammany Hall.

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[1] During the fifteen years 1818-33, the total indebtedness increased from £9800 to £14,300, or at the rate of £300 a year (First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2325).

CHAPTER X

THE CITY OF LONDON

By far the most important of the elective Corporations, as, indeed, of all Municipalities, was, of course, the City of London.[1] This ancient Corporation, confirmed by more than a hundred Charters extending over seven centuries, governed only one square mile of narrow streets. But these streets were, even in 1689, crowded with shops and workrooms, with offices, warehouses, and wharves, where a prodigious amount of business was done; and they were also densely packed with a residential population, which seems at that date to have reached nearly 150,000. To the South lay the Thames, already the greatest waterway in the world, covered with the shipping which carried a third of the whole foreign trade of the Kingdom. The City, itself the most densely peopled spot in England, having over 200 persons to the acre, was, in some directions, still bordered by green fields and commons; but to the West it was already continued by "a vast extent of uninterrupted town"—straggling streets of shops and dwelling-houses, wholly unconnected with the City government, and ruled only by innumerable Vestries, the Westminster Court of Burgesses, and the Middlesex Justices.

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[1] Though endless publications on the City of London exist, no one has yet produced anything that can be called a history of its constitutional development; nor is there any accurate description of its real as distinguished from its formal government, either at the present or at any former date. The principal sources are the voluminous manuscript registers, letter-books, minutes, journals, repertories, accounts, reports of committees, and other archives of the Corporation, extending over many centuries; to which, by a generosity for which the Corporation often does not receive credit, we have been accorded unrestricted access, so far as the period 1689-1835 is concerned. The Journals of the Court of Common Council from 1811 are printed and accessible at the Guildhall Library, which contains also an extensive collection of books, pamphlets, etc., connected with the City; together with a unique series of manuscript records of Wards, Parishes, and Precincts. The later archives of the City Companies are closed to investigators. Besides the Corporation, Ward, and Precinct archives from 1689 to 1835, we have found most useful the Second Report of the Municipal Corporation Commissioners, 1837 (a "wooden" and unilluminating, though lengthy document); the Report and Evidence of the Royal Commission on the Corporation of the City of London, 1854 (which throws much more light on the subject); and the Report and Evidence of the Royal Commission on the Amalgamation of the City and County of London, 1894. The various publications prepared and issued under the authority of the Corporation, like the numerous histories of the Companies, afford little material of importance for the period after 1689. More is to be gained from the *Report delivered by the Committee in aid of Corporate Reform*, etc., 1833; the valuable confidential *Opinions of the Officers of the Corporation of the City of London*, 1847, relating to important constitutional points on which controversy had arisen; *Historical Charters and Constitutional Documents of the City of London*, by W. de Gray Birch, 1887; *Commentaries on the History, Constitution and Chartered Franchises of the City of London*, by George Norton, 1829; and the very superior *Practical Treatise on the Laws, Customs, and Regulations of the City and Port of London*, by Alexander Pulling, 1842; 2nd edition, 1854. See also *Municipal London*, by J. F. B. Firth, 1876; *Die Stadtverwaltung der City von London*, von R. von Gneist, 1867; and his *Self-Government*, 1871, section 110. The best topographical account is *The History of London*, by W. J. Loftie, 1883; the most useful chronicles, *The History of London*, by W. Maitland,

It had always been an important element in the position of the Corporation of the City of London that, although seated at the centre of the capital of the Kingdom, it did not include within its jurisdiction either the residence of the King[1] or the offices of his Ministers, either the National Courts of Justice or the Houses of the Legislature. Right down the ages we see this position giving to the City Corporation an

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edition of 1756; *History of London*, by J. Entick, 1766; *The Modern History of the City of London*, by Charles Welch, 1896; and *London and the Kingdom*, by R. R. Sharpe, 1894. Much light is thrown on the London of the Middle Ages by the *Liber Albus*, compiled by John Carpenter in 1419, and edited by H. T. Riley, 1861; by the *Memorials of London and London Life in the Thirteenth, Fourteenth, and Fifteenth Centuries*, by H. T. Riley, 1868; by the *Letter-Books* and *Calendars of Wills* in course of publication under the editorship of Dr. R. R. Sharpe; and by the valuable *Borough Customs*, by Mary Bateson (Selden Society, 1904 and 1906). For the earlier period, see *London before the Conquest*, by W. R. Lethaby, 1902, and *The Governance of London*, by G. L. Gomme, 1907.

[1] The Tower of London was, during the Middle Ages, both a Royal palace and a fortress, and was clearly intended in the thirteenth century to overawe London. But it was at no time within the jurisdiction of the Corporation of the City of London. Its first use as a fortress had been to command the river traffic, in which the Chamberlain may be compared with the like office at Sandwich. John first used it as a palace; from the end of the thirteenth century it was chiefly a record and jewel office; from the end of the fifteenth an arsenal and political prison; and from the eighteenth increasingly a mere museum. In 1823 it was still a sanctuary, so far as freedom of its residents from arrest was concerned (*London*, by S. and R. Percy, 1823, vol. i. p. 175).

extraordinary degree of independence, unknown to the local administrators of other capitals. Contributing many times more in money and men than any other local jurisdiction, and actually adjoining the seat of government, it could yet shut its gates against the King and his officers. Hence the records of the Kingdom reveal, for six or seven centuries, an almost incessant process of bargaining between the City and the Court—Charters and contributions, immunities and support being perpetually exchanged, with the varying incidents of more or less successful compulsion and rebellion. The celebrated forfeiture of the Charters by the decision of Charles the Second's subservient judiciary, and their hasty restoration under his brother's rule by the hand of the Lord Chief Justice Jeffreys himself, as soon as the coming invasion of the Prince of Orange was realised,[1] were but the final acts of a long series of Royal and Corporate bargainings.

With the accession of William and Mary, we begin, for the City of London as for other local authorities, a new era, characterised by persistent non-intervention on the part of the National Executive. From this time forth neither the King nor his Ministry seems ever to have attempted to interfere with the constitution or administration of the City. Even Parliament did no more than register such changes in its government or extensions of its powers as were laid before it by the representatives of the Corporation. Down to the end the City remains unreformed; Peel exempts it from his New Police; even the iconoclastic Municipal Corporation Commissioners of 1835 omit it from their revolutionary proposals. Thus it was that, although the City formed in 1689 only one-fourth, and in 1831 less than one-twelfth, of the total population of the Metropolitan area, its ancient Corporation wielded vast and indefinite powers. Its actual Corporate revenue was large, and rapidly increasing. It not only exercised within its territory every possible franchise and enjoyed every conceivable immunity, but even extended its jurisdiction into the neighbouring counties. It owned the

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[1] MS. Acts of Privy Council, 18th June and 4th October 1683; *History of My Own Time*, by G. Burnet, 1833, vol. ii. pp. 341-346, 400-401; vol. iii. pp. 191, 317; *History of London*, by W. Maitland, vol. i. pp. 477-484 of edition of 1756; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. ii. pp. 494-505, 530-531.

Shrievalty of Middlesex[1] and the Bailiwick of Southwark.[2] It enjoyed a legal monopoly of markets within a radius of seven miles. It levied its coal duties over a radius of twelve miles, or nearly 500 times its own area. It regulated, controlled, and taxed the whole port of London. It was the sole governing authority for the river Thames, from Staines Bridge to the mouth of the Medway, a distance of over eighty miles. The City Corporation, accordingly, at all times felt itself to be more than a mere local governing body. It was, as it declared in 1814, the representative of all the "dignity and opulence of the Metropolis of this enlightened Christian Empire."[3] It claimed the premier position and peculiar privileges among Municipal Corporations. The Lord Mayor was himself virtually the King's Lieutenant for the

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[1] As to the nature of this Shrievalty and of the Corporation's tenure of it, see the preceding volume, *The Parish and the County*, Book II. Chap. I. p. 288.

[2] The Bailiwick of Southwark, whatever may have been comprised thereby, had been granted to the Corporation in 1327, and again in 1551, the intention at the latter date being clearly that Southwark should become an integral part of the City government, of which it was to become the 27th Ward. By resolutions of the Court of Common Council in 1558 and 1711, it was turned into a sinecure for the senior Alderman who desired it, who thus became Alderman for "Bridge Without." Whilst the City magistrates exercised some jurisdiction there, neither the municipal government nor the electoral rights of the City were ever extended to it. In 1663 it was, indeed, decided by the judges, to whom it had been referred by the Privy Council, that the City had no government in Southwark other than a "Warden of a Company or Alderman's Deputy had, and not as Justices of the Peace" ("The Case concerning the Borough of Southwark between the City of London and County of Surrey," Harleian MSS. 6166, p. 294). Nevertheless, the City continued intermittently to exercise jurisdiction over the "Liberty of the Borough," and also, by its Manor Courts, elsewhere in Southwark. Various attempts by Southwark to get municipal government in 1649, 1660, 1778, 1788, 1814, 1835, etc., were always opposed by the Corporation. In the nineteenth century when Southwark had become "a chaos of dirty, crooked, narrow streets, lanes, alleys, and laystalls" (*Domestic Union, or London as it should be*, by G. G. Stonestreet, 1800, p. 6), the Corporation got so far as to spend £3309 per annum on the administration of justice, but took no other part in the local government. See the Corporation MS. archives, especially "The Book of Presentments of the Jurors of the Manor of the Great Liberty," 1673, "Geldable Liberties," 1674, etc., and Minutes of the Committee appointed to inquire into the jurisdiction of the City in Southwark, 10th February 1758; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. i. pp. 441-445, vol. ii. pp. 324-325; *Southwark Rights*, etc., by W. Kemmish, 1816; *Concise Account of the Local Government of the Borough of Southwark*, by G. R. Corner, 1836; *Southwark and its Story*, by C. G. Boger, 1881; *Old Southwark*, by W. Rendle, 1878; *Sketches of Southwark Old and New*, by R. W. Bowers, 1905; *History of Surrey*, by H. E. Malden, 1900; and *Victoria County History of Surrey*, vol. i. 1902, pp. 395-396.

[3] Journals of the Court of Common Council, 8th February 1814.

City of London;[1] he officiated at State functions, was in constant communication with the National Government, was occasionally summoned to meetings of the Privy Council, and was officially informed of important public events. The Court of Aldermen and the Court of Common Council had the right of access to the Throne, and the Corporation could also appear by its Sheriffs at the bar of the House of Commons, to ask for the redress of any grievance. It even claimed to possess the right of legislating for the City, to the extent of altering its own constitution, without the interference of Parliament.[2]

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[1] The City of London was not only a County in itself, but, unlike other Cities or Boroughs which were Counties in themselves (with the exceptions of the Cinque Ports, Berwick-on-Tweed, and Haverfordwest), it was not subject to the Lord-Lieutenant of the County in which it was geographically situated. There was, strictly speaking, no Lieutenant for London, but a "Commission of Lieutenancy," issued by the King to a large number of the City magnates, with the Lord Mayor at their head (see, for instance, *An Exact and Faithful List of those worthy Gentlemen and Citizens His Majesty has been pleased to Commission anew for the Honourable Lieutenancy of the City of London*, 1690. This list contains about eighty names). "The Commission of Lieutenancy," it was said in 1708, "consisteth of the Lord Mayor, Aldermen, and those most powerful and wealthy citizens, formerly called Barons, in whom the military government of London is lodged, as Lord-Lieutenants of a County. These make choice of the officers of the Train-Bands" (*New View of London*, 1708). These Commissioners used to be selected by the Ministry, the Commission being formally revised from time to time, and sent back to the Lord Mayor by the Secretary of State. It was, for instance, greatly changed in 1693 when Whigs were substituted for Tories, and again in 1710 when Tories were substituted for Whigs (*History of My Own Time*, by G. Burnet, vol. iv. p. 223, vol. vi. p. 16 of edition of 1833). Since the latter date, the changes made by the Crown have been few, and usually unpolitical. During the nineteenth century the Lord Mayor gradually assumed to himself the right of adding to the Commission such persons as he chose.

[2] This claim to independent legislative powers (irrespective of the ordinary power of a Corporation to make By-laws) cannot be conferred by Charter, and has not been given by statute. The Charter of 15 Edward III. purported to confer it (*Commentaries on the History, Constitution and Franchises of the City of London*, by George Norton, 1829, p. 470); but to be valid, the power must be assumed to exist by legal prescription; and this, in fact, is the City claim. It is, however, clear that the Court of Common Council can enact nothing contrary to any statute; nor may any enactment be made in restraint of trade not warranted by prior legal custom; nor may the Common Council impose the penalties of imprisonment or forfeiture of goods, still less any corporal punishment. It is, indeed, doubtful whether any exercise of such power, going beyond the ordinary by-law-making power of a Municipal Corporation, would nowadays be upheld. The City power, it may be suggested, goes but little, if any further than a power to declare and curtail a pre-existing legal custom,—it "consists much more in being able to modify old laws and customs than in enacting new ones" (*Laws, Customs, etc., of the City and Port of London*, by A. Pulling, p. 46). Nevertheless, the present number, and the distribution among Wards, of the Common Councillors rests only on an Act of the Common Council of 8th May 1840. Moreover, by a similar Act of 9th March 1836,

Nor did the members of this Corporation confine themselves to their own Municipal affairs. From 1689 right down to 1835, the Corporation of the City of London stands forth as a sort of unofficial mouthpiece of the people of England, as against their National Government—carrying on, indeed, a continual criticism, sometimes insolent in its irresponsible independence, of the whole policy of the National Executive in finance, in Foreign affairs, and in domestic legislation.[1]

The Legal Constitution of the City

To the constitutional student of the seventeenth century, as to the practising lawyer,[2] the ancient Corporation of "the Mayor and Commonalty and Citizens of London" appeared primarily as an agglomeration of distinct "Courts," presided over by one Chief Officer, the well-known Lord Mayor, who was assisted by two Sheriffs; the Courts having originated at

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the Court of Common Council decided (in flat contradiction of authoritative legal decisions) that persons might henceforth become free of the City without first becoming free of a Company. Among other constitutional usages which depend for their validity on no better authority than the power of the Corporation to alter its own constitution may be adduced: (*a*) the limitation of the choice for Lord Mayor to those Aldermen who had already served as Sheriff (by an Act of Common Council of 9 Richard II.); (*b*) the exemption from future service of any one who had once been Lord Mayor (by one of 37 Henry VIII.); (*c*) the various qualifications and conditions of the election of Aldermen (by Acts of Common Council of 1464, 1711, 1714, and 1831); (*d*) the arrangement for filling the Aldermanship for Bridge Without (by those of 1557 and 1711); (*e*) the excusing from service as Aldermen of persons worth less than £15,000 (by that of 1710), and £30,000 (by that of 1812); and, perhaps most important of all in its results, (*f*) the limitation of the choice of the Wardmote, in the election of Common Councilmen, to citizens residing in the particular Ward (by Order of the Court of Aldermen, 23rd November 1710, and Act of Common Council, 4th June 1716). For the whole subject see *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, 1854; and his evidence before the Royal Commission on the Corporation of London, 1854; together with the *Opinions of the Officers of the Corporation of the City of London*, 1847. It is one of the many points of resemblance between the Corporations of London and Norwich that, as we have seen, a similar claim used to be made by the latter on the strength of the words of a Charter of 1379.

[1] See the instances subsequently given at pp. 621-624, 653-656.

[2] The City was the subject of many legal manuals, of which we cite the principal: *Liberties, Usages and Customs of the City of London*, by Sir Henry Calthrop, 1642 and 1674; *The City Law, or the course and practice in all manner of juridical proceedings in the Hustings in Guildhall*, 1647; *The City Law, showing the Customs, Franchises, Liberties . . . of the famous City of London*, 1658; *Lex Londinensis, or the City Law*, 1680; *Privilegia Londini*, by W. Bohun, 1702, 1723, etc. Much information will be found in *Borough Customs*, by Mary Bateson (Selden Society, 1904-6).

different periods and for different purposes, and deriving their authority indifferently from immemorial prescription and Royal Charter, from Local Act and general statute; some being still in the full vigour of life, others in decay, and others wholly obsolete. These "Courts," of mixed character—judicial, legislative, executive, and even electoral—formed no hierarchy. Some among them claimed a status wholly independent of all the others; some were, either in constitution or function, partially dependent on or subordinate to one or more of the rest; whilst others again were plainly mere offshoots, having no independent existence. Even the number of these Courts at any one time is uncertain, especially as it is difficult to determine what to include within the category of Municipal Courts. We, for instance, exclude the endless Manorial and other Courts held by or on behalf of the Corporation in respect of its estates; and also the Courts of the Companies, which had, in mediæval times, exercised a real control over the citizens. Omitting these two classes, the curious student might enumerate as many as seventeen separate "Courts," dividing among them the electoral, executive, judicial, and legislative business of the Corporation. Of these the Court of Husting and the so-called Orphans' Court,[1] though affording in their survival some glimpses of a picturesque past, had ceased to be of Municipal importance. Others will claim only our incidental attention. The ancient Folkmoot, summoned three times a year at the east end of St. Paul's Churchyard by sound of "the mootbell," at which the attendance of all Freemen was compulsory, had, by 1689, long since ceased to be held. But four of the Courts stand out as alike constitutionally distinct and independent, and, between 1689 and 1835, of supreme Municipal importance. These were the Court of Aldermen, the Court of Common Council, the Court of Common Hall, and—held separately in the 26 Wards—the Court of Wardmote. These Courts made up the legal framework of the City Corporation, within which its working constitution was developed.

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[1] The history of the "Orphans' Fund" and the so-called "Court of Orphans" is obscure and complicated. "By the ancient custom of the City . . . the representatives of such Freemen . . . who at their decease leave children under age, have the privilege of depositing in the Chamber of London so much of the personal estates of such Freemen as belong to their orphan children, upon which the orphans immediately become wards of the Court of Aldermen, who have the care of their persons, and the Corporation become security for their fortunes, payable with interest" ("History of the Rise and Progress of the Orphans' Fund," in Journals of the Court of Common Council, 31st March 1791, vol. lxxii. p. 341). The right to exercise guardianship over orphans was not unusual among burghal privileges (*Borough Customs*, by M. Bateson, 1906, vol. ii. pp. cxxviii-cxxxiii), and what is peculiar to London is chiefly the extent and long survival of this business. In 1693 the London "Chamber" of Orphans was empty, and was then closed, the Corporation thenceforth definitely assuming the liabilities (which reached nearly three-quarters of a million sterling) as part of its Corporate debt (*History of London*, by J. Noorthouck, 1773, pp. 83, 279-280, 359; *London and the Kingdom*, by Dr. R. R. Sharpe, 1894, vol. ii. pp. 543, 579).

It was his presidency of these four Courts that enabled the Lord Mayor in 1689 to answer for the City. First among them stood the Court of 26 Aldermen, who—elected for life by the Freemen Ratepayers, divided into Wards[1]—constituted the magistracy of the City, individually governing their several Wards and collectively acting as the executive of the Corporation. This Court of "Mayor and Aldermen in the Inner Chamber" not only appointed the Recorder and various other Officers, but also governed the prisons, conducted the City Courts of Law, and ordered what payments it thought fit from the "Chamber," or Corporation treasury. It exercised, moreover, the right to admit to office, or to reject, all persons elected or appointed to any City office, status, or dignity; it gave judgment in all contested elections, whether to its own or to any other body, and even claimed to possess, in 1689, a veto on all legislative acts of the Court of Common Council. The Aldermen exercised, individually within their own Wards and collectively as a Court, by prescription and statute, many of the functions of Justices of the Peace; though in 1689 only such of them as had passed the Chair, together with the Lord Mayor, the Recorder, and the three senior among them who had not passed the Chair, were actually Justices of the

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[1] The division of the City into Wards, twenty-six in number, and in only two cases coincident with parishes, is of unknown antiquity, and does not rest upon Charter or statute. Each Ward, whether small or great, elected one Alderman (except that those of Cripplegate Within and Cripplegate Without had but one Alderman between them); and there was a twenty-sixth Alderman for "Bridge Without," or Southwark, who was appointed by the Court of Aldermen. It is sometimes said that the Wards represent ancient estates, or seignorial jurisdictions of the nature of Manors or Hundreds; but of this there seems to be little real evidence; and, as elsewhere appears, not even much presumption (see *London before the Conquest*, by W. R. Lethaby, 1902; *The Governance of London*, by G. L. Gomme, 1907).

Peace by Charter, and as such held Quarter and Petty Sessions.

The Court of Common Council included the Lord Mayor and the 25 other Aldermen, and also some two hundred other citizens (the "Commoners"), elected annually by the Freemen ratepayers of the several Wards. The function of this Court was to afford counsel to the Lord Mayor and Aldermen in their government of the City. By 1689 this counsel had come to take always the form of By-laws and legislative Acts,[1] prescribing the obligations of the citizens. But already this Court had begun to assume administrative functions. To use the words of a legal writer, it was a Court for "the election of committees to manage the property of the Corporation," to supervise the streets, and to relieve the poor. It appointed the Town-Clerk, the Common Serjeant, and a steadily growing number of officers.[2]

The Court of Common Hall—the "Meeting of the Mayor, Aldermen, and Liverymen of the several Companies of the City of London in Common Hall assembled"—probably anterior in date and in past ages possibly even superior in constitutional importance to either the Court of Aldermen or the Court of Common Council—perhaps even the direct descendant of the earlier Folkmoot—was, in 1689, not usually an assembly of very great significance. It was composed, not as in some other Boroughs, of the Freemen of the City, or of its Companies, who seem always to have been too numerous to assemble in one meeting, but of such of them as had been admitted to the higher grade of "the livery" of their Companies. These "Liverymen" numbered in 1689 six or eight thousand, nearly all being men of substance. The principal function of the Court of Common Hall was the selection each year, from among the narrow circle of the six or eight Aldermen who had served the office of Sheriff but not yet that of Mayor, of two persons to be submitted to the Court of Aldermen, for the choice of one of them as Lord Mayor. This, in practice, came, in most years, to be merely a formal nomination of the two senior of such Aldermen. The Court of Common Hall also elected the two persons who, besides acting severally as Sheriffs for London, served jointly as the Sheriff for Middlesex. In practice one Sheriff was usually chosen from among the Aldermen, and one from among other Freemen. More scope for real choice by the Court of Common Hall was afforded by its right to fill the occasional vacancies in the lucrative positions of Chamberlain and Bridgemasters. It also elected annually four Auditors of the Corporation accounts and four Ale-conners; and it could, if it wished to do so, discuss any matter that concerned the Corporation—a privilege which, long in desuetude, was destined during the reign of George the Third to become of some notoriety.

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[1] *A List of the By-laws of the City of London Unrepealed*, 1769. A volume of 134 pages, published by authority, gives 967 then existing By-laws, dating from the fourteenth to the eighteenth centuries.

[2] Two important offshoots of the Corporation, expressly authorised by statute, might be treated either as mere dependent parts or as separate local governing bodies created for special purposes. The paving, cleansing, lighting, draining and improving the City was the business of the Commissioners of Sewers, a body established by Local Acts of 1667, 1672, and 1771, which met weekly, had its own funds, and acted habitually as an independent authority. It was, however, not properly a Commission of Sewers under the statute of Henry VIII., and it was composed entirely of members or officers of the Corporation—the Recorder and Common Serjeant *ex officio*, all the Aldermen for the time being, and the thirty Common Councillors who were their Deputies, together with thirty other Common Councillors (being one from each Ward or division of Ward) appointed for four years—the whole body serving under a commission issued annually under the City seal. We shall regard it for the moment as part of the Corporation, recurring to it specially when we come to describe the evolution of the services of paving and lighting the streets. The no less important function of relieving the destitute was, in the City of London, shared between the Overseers of its hundred minute parishes and a central body, the so-called "Corporation of the Poor of the City of London." This distinct Corporation, which had been set up under Local Acts of 1647 and 1662, "for the constant relief and employment of the poor," consisted of a number of governors appointed by the Court of Common Council, together with the Lord Mayor and the Aldermen. It received subventions from the Corporation, in the form of special levies. We shall recur to it in our chapter on "Incorporated Guardians of the Poor," in our next volume.

The fourth important Court, the Court of Wardmote,[1] held separately in each of the 26 Wards (excluding Southwark) by the Alderman of the Ward, acting upon a precept from the Lord Mayor, was in many respects the basis of the whole organisation. To the Wardmote came every ratepayer of the Ward, whether or not free of the City. At it were elected all the Ward Officers, the Ward Clerk, the Ward Beadle, the Constables, and, above all, the Ward Inquest or Jury, which perambulated the Ward and "presented" houses of ill-fame, false weights and measures, "foreign" traders, unlicensed brokers, encroachments and nuisances. It was at the Wardmote on St. Thomas's Day that the Common Councillors for the Ward were annually nominated, and, unless a poll was claimed, actually elected. It was the Wardmote, on such occasions presided over by the Lord Mayor, which by similar popular election filled any vacancy in the office of Alderman. The Alderman, his Deputy, and the other Common Councillors for the Ward formed the "Common Council of the Ward," a body which met several times a year, reporting to the Wardmote, and had under its direction the Night Watch, as well as the current business of the Ward. This Ward Council, besides recommending to the Court of Aldermen the persons to be licensed as publicans, settled the assessments, heard the ratepayers' appeals, and directed the collection of rates from all the householders in the Ward.

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[1] "The Nature of the Wardmote," in *Liber Albus*, by H. T. Riley, 1861, pp. 32-35.

The very complication of this constitution was often cited as conducing not only to Liberty but also to Efficiency. "The City of London," it was said, "from the nature of its magistracy, the description of its various public officers, the division and subdivision of its local limits, affords an example of that unity and of that dependence of parts on each other, without which no well-constructed and efficient system of police can ever be expected."[1] To the lawyer of the Revolution, however, it would be apparent that the strength of the constitution of this Corporation lay in the breadth of its base. Unlike the bulk of Municipal Corporations, that of London had not become a close body. Its governing authorities, whether officers or councils, sprang, by popular election, direct from a double constituency, the ratepaying householders, numbering in 1689 possibly about ten or twelve thousand, and (largely identical with these) the Freemen and Liverymen of the 89 Gilds or Companies, through which alone the freedom of the City could be obtained.[2] Thus London belonged, with

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[1] Report of House of Commons Committee on Police, 1812, p. 2.

[2] We need not enter upon the vexed questions of the exact relation to the old Gilds, the legal status and the actual character of the London Companies, or the amount and disposition of their funds. Admission to the freedom of these Companies was gained by birth, apprenticeship to a member whatever his occupation, and redemption or purchase by permission of the Company. Any Freeman of a Company was entitled to take up his freedom of the City on payment of a further fee. With the exception of the grant by the Common

Norwich and Ipswich, to the little group of Boroughs in which popular election played a real part; and with Morpeth and Berwick, Newcastle and Coventry, to the group of those in which the mediæval Craft Gilds still maintained some of their old Municipal character.

"To treat of the great and notable franchises, liberties, and customs of the City of London would require," said Coke, "a whole volume of itself."[1] The foregoing brief sketch omits many of the minor convolutions of its constitution, in the hope of presenting it to the reader in a comprehensible form. But by no such simplification can we convey any general conception of this government as a living organism. Indeed, we doubt whether any one conception of a Corporate body, such as is yielded by a modern Democratic Municipality, or as was given by a close Corporation of the ancient type, could ever have been formed of the government of the City of London. Its powers were at once so unique and so diverse, and so scattered amongst officers, Courts, and assemblies, and all

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Council of honorary freedoms to distinguished individuals this was, down to 1835, the only way in which the Freemen of the City were recruited. Admission to the "livery" or "clothing" of a Company was a further stage, granted only by favour of the Court, on payment of a substantial fee, to such Freemen as the Court chose. Each Company had its own regulations and practice as to admission to the livery, a substantial property qualification being often required. The Liverymen in 1832 numbered in the aggregate about 12,000, out of a body of Freemen which, at that date, must have exceeded 40,000. Freemen of the City were alone eligible for municipal offices; they alone could obtain licences as publicans, brokers, etc., and they alone could engage in retail trade in the City. The right to vote for Aldermen and Common Councillors was restricted to Freemen who were £10 householders in the City. The Parliamentary franchise, and the right to attend the Court of Common Hall, and vote for the Lord Mayor, Sheriffs, etc., was confined to Liverymen of the Companies, wherever resident. It should be added that, owing to the competition of the Companies for admission fees, the Freedom of the City was practically open to any one willing to pay the fees, which then amounted in the aggregate to between £35 and £50. It was more difficult to gain admission to the livery, but not, in practice, out of the power of any substantial person. Though they became eligible for various charities, neither Freemen nor Liverymen had any share in, or control over, the property or administration of the Companies, which were, in each case, entirely in the hands of the close body known as "the Court," renewing itself by co-option from the livery. For the Companies, besides the score or more of histories or annals of the separate bodies, see the Second Report of the Municipal Corporation Commissioners, 1837; the Report and Evidence of the Royal Commission upon the City Companies, 1884; *History of the Twelve Great Companies*, by W. Herbert, 1836; *Livery Companies of London*, by W. C. Hazlitt, 1892; *The City*, by W. Gilbert, 1877; and the *History of London*, by W. J. Loftie, 1883, vol. i. chaps. vi. and vii.

[1] *Institutes of the Laws of England*, by Sir Edward Coke, vol. iv., 1644, p. 250.

these were connected in such manifold ways with each other, that it is impossible to have them all equally in view in any one mental picture. The Corporation of the City of London resembled, we suspect, at all times a polyhedron of innumerable facets: to each section of onlookers, as to each grade of citizens, it presented a different side. To enable the student to realise how, between 1689 and 1835, this many-sided constitution actually worked, and in what sort of administration it resulted, we propose to place the reader successively at the standpoints of an unenfranchised poor inhabitant, a Freeman householder, a Liveryman of one of the 89 Companies, a member of the Common Council, an Alderman, a Sheriff, and finally a Lord Mayor—in each case imagining the experience of the particular grade to extend over a lifetime prolonged from the Revolution to the Municipal Corporations Act. It is a peculiarity of the Corporation of the City of London that this method of presentation takes us, to begin with, quite away from the Legal Constitution of the City, as embodied in Charters and statutes, and introduces us to humbler units of local organisation—possibly more ancient than the Corporation itself—with offices and customs unknown to the formal documents, and constitutional usages more simply Democratic than anything formulated either by King or by Parliament.

The Service of the Citizen to his Ward

To the respectable poor householder who was not a Freeman, City Government presented itself, at the beginning of the eighteenth century, principally as a Ward organisation, and this as machinery for enforcing upon him onerous obligations of personal service. It was the Ward Inquest, with its presentments to the annual Wardmote, which compelled him to sweep down to the kennel the rude cobblestone pavement in front of his house; and to bring out all dirt and garbage to deliver to the Raker, when this contractor came round daily, knocking his wooden clapper or blowing his horn. It was the Ward Inquest, too, on its periodical round, which threatened the householder with presentment for failing to keep his part of the pavement in repair; or for omitting to hang out a lantern with a lighted candle on the nights when there was no moon, as directed by Act of Common Council of 1716; and which took his name and address as one who had to serve in his turn in the Nightly Watch to make up the quota fixed in 1704. As a householder paying scot and bearing lot he had the right to attend the yearly Wardmote, at least up to the point in the proceedings when formal proclamation was made "for all persons to depart this Court who were not [both] Freemen of London and householders in the Ward."[1] At the Wardmote he might find himself peremptorily required by his fellow-inhabitants to serve his turn as Constable, Scavenger, or Collector of Rates. His duties in these offices, which were wholly unpaid, brought him into contact with the Alderman's Deputy[2] for the Ward, who, like the other Common Councilmen, seems to have been practically responsible for the Nightly Watch; and even with the Alderman himself, who, as head of the Ward, could threaten him with imprisonment or distraint. As the century wore on, the householder would be aware of a rising standard of cleanliness and street order, involving new restraints on his disorderly impulses, and additional payments to the Rate-Collector. He would, however, be pleased at the gradual dying away of the calls upon him to patch up the pavement and sweep the street, as these services were, by almost imperceptible stages, taken over by the contractors, employed either by the Wardmote itself or by the Commissioners of Sewers. Above all, he would rejoice at the gradual discontinuance of personal service in the Nightly Watch, when the Act of 1737 allowed the engagement of paid Watchmen,[3] so that he could remain in bed listening to the paid Watchman crying the hour. Behind the Ward organisation, the householder would be only dimly aware of the City government

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[1] MS. Records, Broad Street Ward, 1780-1808.

[2] Each Alderman appointed a Deputy, who had to be one of the Common Councilmen elected for the Ward, and was usually the senior among them. Though the appointment was an annual one, the Deputy continued generally to be reappointed as long as he remained a Common Councillor. The office of Deputy is one of antiquity, being traced back certainly to the fifteenth century (*The Aldermen of Cripplegate Ward from 1276 to 1900*, by J. J. Baddeley, 1900). We have already mentioned it as existing at Coventry (p. 428), and as used by Burleigh to define the authority of the Burgesses of Westminster (pp. 213-214), and by the Judges in 1663 to describe the authority of the City Corporation over Southwark (*supra*, p. 572).

[3] 10 George II. c. 22; see *History of Private Bill Legislation*, by F. Clifford, 1887, vol. ii. p. 248.

—partly as vaguely responsible for the pageants in the streets on Lord Mayor's Day and other festivals—but mainly as a judicial authority, personified in the Aldermanic Magistracy at the Mansion House or the Guildhall; in the periodical Sessions of the Peace at which thieves were convicted and sentenced; and perhaps also in the various City tribunals for the recovery of small debts.

It was, however, a distinctive feature of the City of London in 1689, and, indeed, right down to 1835, that the great majority of the resident householders were so far members of the Corporation as to have acquired the freedom of the City. The freedom ensured them against being seized by the press-gang for service in the navy. It exempted them from certain tolls on goods. Without this freedom, moreover, they were liable to be excluded from nearly every subordinate occupation. The Ward Inquest presented any one not free of the City who was found keeping a shop, or carrying on a trade.[1] Even as journeymen they would be liable to be complained of and dismissed as not being entitled to work in the City. They could not be fish or fruit or tackle porters. They could not serve as watermen or lightermen. From all occupations requiring licences, whether the keeping of an alehouse or acting as broker, they were rigidly excluded. The result was that, even if a City resident had not an inchoate right to his freedom, by the qualification of birth or apprenticeship, he nearly always found it convenient to become free by redemption, or purchase. In this he found no other difficulty than that presented by the payment. The freedom of the City was acquired by becoming free of one of the Companies; and as this mere membership carried with it practically no right to share in the property or government of the Company, it was in most cases willingly sold to all comers at varying sums.[1] The purchase of the freedom would be arranged with the Clerk of the Company, who would himself undertake to get the City freedom granted by the Court of Common Council and issued by the Chamberlain.

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[1] The Records of the Wardmotes, as well as those of the Corporation itself, afford abundant proof that the requirement that shopkeepers should take out their freedom was relentlessly enforced. In 1802 we find the Wardmote of Bishopsgate resolving "that it be recommended to the Gentlemen of the Inquest to discontinue the practice of granting time to persons to take up their freedoms who are summoned before them as new-comers into the Ward, it being the opinion of this Wardmote that it is exercising a power not legally vested in them and contrary to the letter and spirit of the charge given them at the time of their being sworn into office." All persons not free are to be summoned and presented to the Court of Aldermen. The Alderman of the Ward is requested to direct the City Solicitor to proceed at once against those who refuse or neglect to "acknowledge the authority of the City and take up or purchase their freedom" (21st December 1802; MS. in Guildhall Library, No. 1428). In 1825-27, 200 non-Freemen were thus presented each year; and during the two years 1828-29, the number rose to 2689, or more than a hundred each month (Journals of the Court of Common Council, 17th June 1830).

To the great majority of the twelve or fifteen thousand Freemen who lived within the City boundaries, the freedom was, in effect, merely a licence to trade,[2] and the Corporation did not present itself to them otherwise than it did to the householder who was not free. When a specially active Freeman attended the annual Wardmote to make complaint of some nuisance or obstruction;[3] to protest against being made Constable out of his turn; to pay his fine to the Ward instead of serving one or other of the Ward offices;[1] to arrange with the Common Council of the Ward for the hire of a substitute Constable;[2] or merely to get his assessment reduced, he might, it is true, exercise also the Freeman's privilege of annually voting for the Common Councilmen of the Ward;[3] or, on the rare occurrence of a vacancy, even for an Alderman. But he would find the candidatures for these offices already determined in some mysterious way, a complete list of nominations being pressed upon the meeting by the governing clique;[4] and this list being always carried *en bloc*, however unpopular any one person on it might have made himself during his past year of office. But a Freeman-householder might have his own reasons for getting into the governing

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[1] "So liberal is the admission of all candidates for civic freedom that the exclusive privilege of trade in the City amounts to little more, in effect—at least with regard to English subjects—than a . . . tax upon this admission" (*Commentaries on the History, Constitution, etc., of the City*, by George Norton, 1829, p. 232). The ancient fee was £2 : 6 : 8. A "redemption fine" of £25 was imposed in 1729 in addition, and this continued to be exacted until 1835, when it was reduced to £15. The tax was an important source of revenue. Between 1800 and 1835 the receipts of the Corporation from fees paid for admission to the freedom averaged over £6000 a year, and rose, in 1828, to as much as £10,722 (Repertories, vol. ccliv. pp. 183-187, 26th February and 12th March 1850).

[2] The exemption from tolls throughout England was limited to those which had either come into existence since the Charter of Henry I., or which had not then already been granted away by the King. It was therefore difficult to enforce, and was not in practice of use to the ordinary citizen. Certain cheesemongers of London managed, however, in 1690-1700, to secure on this plea exemption from the Town Dues levied by the Liverpool Corporation, though on subsequent litigation in 1799 the privilege was whittled down to such London Freemen as were resident within, and paid scot and lot to, the Borough of Liverpool (*Memorials of Liverpool*, by Sir. J. A. Picton, 1873, vol. i. p. 164; *History of Municipal Government of Liverpool*, by Ramsay Muir, 1906, p. 123). Of more practical utility was the exemption which the London Freeman could claim from the tax of twopence levied by the City Corporation on every loaded cart that entered the City. But, in later times at any rate, the vast majority of the Freemen had no occasion even for this exemption.

[3] Thus, in Candlewick Ward in 1693, "a great complaint was made by several merchants and other inhabitants against the water not being brought from the tops of houses (by rain-water pipes), according to Act of Parliament, which is found very prejudicial to merchants' goods and their Majesties' liege people passing the streets" (MS. Records, Candlewick Ward, 1693). In 1704 "a complaint was made that the wife of J. C. and the wife of W. T., both of this Ward, did live in great strife and debate, to the great disturbance of the neighbourhood." The two ladies were summoned to appear, and, says the record, "upon hearing the accused as well as the accuser, we made them friends, and . . . their husbands gave each other release" from the cross

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actions which had begun (*ibid.* 1704). In 1811 the Wardmote of Lime Street Ward ordered the publication of a notice setting forth the inhabitants' complaints "of the very serious deprivation of rest they experienced by the barking and yelling of the numerous dogs that draw the butchers' carts at a very early hour in the morning," and threatening legal proceedings (21st December 1811; MS. in Guildhall Library, No. 1169).

[1] At the Bishopsgate Wardmote in 1737 "the Alderman declared that whereas, by the late Act of Parliament for the better regulating the Nightly Watch, the duty of the Constables was increased, he was resolved for the future that he would not admit any person to fine for that office at less than £10." On that occasion two persons "fined" for all Ward offices, at £14, and ten "fined" for Constable only at £6 (MS. Records, Bishopsgate Ward, 21st December 1737).

[2] It was resolved in Wardmote in 1794 "that to prevent inconvenience in future years [to] persons desirous of finding Substitutes to serve the office of Constable, the inhabitants were to take notice that no Substitute would be accepted unless the fine, which is £13 : 0 : 6, be paid into the hands of the Deputy six days before Plough Monday, otherwise they would be returned to serve in their own persons as Constables" (MS. Records, Lime Street Ward, 22nd December 1794).

[3] In most of the Wards it was unusual for the re-election of Common Councilmen to be contested, the sitting members being allowed to remain until death or retirement. In some Wards, however (such as Bishopsgate and Farringdon Without), contests were frequent.

[4] In the exceptionally Radical and Democratic Ward of Bishopsgate we find, in 1787, on the occurrence of an Aldermanic vacancy, the Deputy formally holding a Ward meeting to serve as a nominating convention. The Deputy is effusively thanked by the Wardmote "for his very impartial conduct in calling together the inhabitants of this Ward for the purpose of nominating a proper person to represent them in the Court of Aldermen, when the accustomed usage had been for the Common Councilmen of the Ward to take upon themselves (at a meeting purposely convened) the right of the electors at large" [to prepare a nomination for the subsequent Wardmote]. In this case the nominating convention was held four days before the Wardmote, and the candidate agreed upon was in due course nominated and elected at the Wardmote (MS. Records, Bishopsgate Ward, 3rd August 1787).

clique of his Ward, and becoming more closely connected with City government. If he wanted any favour—it might be merely permission to hang out a sign or erect a hoarding, it might be an order from the Corporation for the wares that he sold, it might be the grant or renewal of a wine or an ale-house licence,[1] or an appointment to one of the innumerable salaried offices—it was well understood that he had to make his court to the Alderman, the Alderman's Deputy, and the other members of the Common Council of the Ward, if not also to the members of the Ward Inquest, who were, in their tacit combination, all-powerful in the Wardmote, and who monopolised among them the distribution of everything of the sort. Our typical citizen would thus find himself passing the threshold of a dimly lighted and scarcely explored region of "Ward politics," by means of which, it is clear, from long before the Revolution right down to our own day, a large part of the government of the City was really carried on.

The Precinct

The primary area for the "Ward politics" of the City of London was the Precinct,[2] the ancient customary division of the Ward, usually consisting of little more than a hundred houses. The Precinct was not necessarily or even usually coincident with any parish—half the City parishes, indeed, stretched even across the Ward boundaries, and nine-tenths of them were in more than one Precinct[1]—but the alliance between the Precinct meeting and the Vestry of the local church seems to have been in most cases extraordinarily intimate. A Freeman who was already a member of a Close

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[1] At a Wardmote in 1802 we find it "resolved, that in the opinion of this Wardmote, the house known by the sign of the Swan has been for some time past a great nuisance to the inhabitants of this Ward, and that the Alderman and Common Council [of the Ward] be requested to prevent the same being hereafter licensed as a victualling house, either for the present or any future occupier thereof" (MS. Records, Lime Street Ward, 21st December 1802). In 1786, in another Ward, it is resolved to employ counsel to oppose the renewal of a particular licence, which had been complained of (MS. Records, Broad Street Ward, 8th March and 20th April 1786). In 1831, in the same Ward, there was "read the petition of Mr. M. . . . for a recommendation to enable him to obtain a wine licence, and after full discussion it was determined that his petition could not be entertained without infringing materially on the interests of other victuallers in the neighbourhood" (*ibid.* 3rd March 1831).

[2] The subdivision of the Ward into Precincts, and the consequent division of the City of London into local governing units averaging less than 4 acres, and, in 1831, 124 houses and about 700 inhabitants, is, we believe, unique among English municipalities. Its origin is entirely unknown. It is significant that the very elaborate *Liber Albus*, compiled by John Carpenter in 1419, does not mention it. It may, accordingly, not be more ancient than the fifteenth century. Resting as it does entirely on tradition, and being unknown to the written law, this immemorial division of the Wards into Precincts; the very ancient assignment of such Ward officers as Common Councillors, Questmen, Constables and Scavengers to particular Precincts; and the custom of holding Precinct meetings, which kept records of their own, have been entirely omitted from such authoritative works as *The Laws, Customs, and Regulations of the City of London*, by

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A. Pulling, 1842 and 1854; and we know of no adequate description of the Precinct organisation. The several Precincts in the Wards, with the numbers of their officers, will be found enumerated in *An Account of the Several Wards, Precincts, Parishes, etc., in London*, 1742; in *The History of London*, by W. Maitland, 1756, vol. ii., and in the Second Report of the Municipal Corporation Commissioners, 1837, pp. 136-153, which incidentally prints an extract from the Vestry Minutes of St. Botolph, Aldgate, 1st December 1608, describing the Precinct organisation at that date (p. 151). An account of "The First Precinct Book of Aldgate Ward," with entries extending from 1623 to 1851, was given in *The London and Middlesex Note-Book*, by W. P. W. Phillimore, 1892, pp. 125-128. The intimate connection, in some cases, between Precinct, Ward, and Parish may be well seen in *An Account of the Church and Parish of St. Giles, Without Cripplegate*, by J. J. Baddeley, 1888, where the Vestry even chose its Sidesmen by Precincts (p. 173). But the principal source for any study of the Precinct, which well deserves a monograph, must be the archives of the various Precincts themselves, of which an interesting collection will be found among the manuscripts at the Guildhall Library. Apart from this distinctive use of "Precinct" for a subdivision of the Ward (to be paralleled by the use of the word by sixteenth-century surveyors of rural Manors to denote a subdivision of the township; see "Elizabethan Village Surveys," by W. J. Corbett, in *Transactions of the Royal Historical Society*, N.S. vol. xi., 1897, p. 70; *The Economic Development of a Norfolk Manor*, by F. G. Davenport, 1906, p. 1), the conventional use of the term for territory immediately adjoining a royal, military, or ecclesiastical building, and sharing in its immunities, also occurred in the City of London, certain extra-parochial places which were not included in any Ward (such as Bridewell, Blackfriars, St. Martins le Grand, and Whitefriars) being termed Precincts. We know of no connection between these two different uses of the word "Precinct"; but the close connection everywhere of the Municipal Ward with the duty of the Nightly Watch, and the fact that in London the Ward Precinct was a Constablewick, suggests an analogy with the "castle guard" or "ban lieu" which may have become the Precinct in the other sense.

[1] Some of the City parishes extended into three or four Wards. Only in about a dozen cases was the parish precisely coextensive with the Precinct, though in a dozen more the parish comprised exactly two, three, or four Precincts. Only two Wards (Bassishaw and Cripplegate Without) were coextensive with parishes; and these were divided into two and four Precincts respectively. So little is known as to the antiquity or as to the origin of the Wards and Precincts that this curious cross-division is unexplained; though it is, of course, easy to suggest, as is often done upon no evidence whatsoever, that "the reason for this overlapping is that the division of the City into Wards, somewhat resembling that of the county into Hundreds, runs back as far as Anglo-Saxon times, and preceded the division into parishes" (*Annals of the Parishes of St. Olave, Hart Street, and Allhallows Staining*, by Rev. Alfred Povah, 1894, p. 7).

Vestry, or an attendant of an open one, would have seen the minutes of the Precinct meetings entered as a matter of course among the parish records in the Vestry Minute-Book.[1] If he had served as Churchwarden, it would have been part of his duty to attend the Precinct meetings, to see that a due proportion of the so-called "fines" there levied was applied, as custom required, to the relief of the poor; or even to beg a part of the remainder for the repair of the church. In other parishes wealthy and unpatriotic householders would be excused, on payment of a single undivided fine, by one and the same assembly, calling itself a Vestry meeting, from both Ward and parish offices.[2] Nevertheless, each Precinct had its own authoritative meetings at the advertised meeting-place—probably the ancient Quest House, or the Vestry House of the parish; sometimes the Church itself, or occasionally a tavern—open to all the householders of the Precinct, whether Freemen or not, who were regularly summoned by printed handbills, distributed from house to house by the Ward Beadle. Here, on the appointed day of December, would assemble a little group of neighbours, usually those who were serving, or had recently served, the local Ward offices; and identical,[3] for the most part, with the members of the Close Vestry of the Parish, or with those who were serving, or had recently served, the local parish offices.[1] The Common Councilman for the Precinct, or sometimes the Senior Churchwarden of the parish, would take the chair; whilst the Ward clerk usually attended to take back to the Wardmote the result of the meeting. The main, if not the only, constitutional business would be to decide upon the nominations to be made to the Wardmote on behalf of the Precinct, for its Common Councilman, its Constable, its Scavenger, its Questman, and sometimes the Collector of its Rates. The Precinct Meeting served, in fact, the same function as the nominating assemblies in American party organisation, from which it was distinguished by being, not a voluntary party gathering, but a regular part of the governmental machinery. But, whatever the business, it is evident from the records that the little knot of citizens who attended the Precinct Meeting contrived to make it profitable to themselves. The offices of Constable and Scavenger were detestable to everybody, and the more reputable inhabitants did not care to serve even as Questman. It was therefore part of the regular routine to put the nominations—sometimes four for a single office—on householders who were believed to be unwilling to serve.[2] The next few

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[1] This we have noted to be the case in the MS. Vestry Minutes of the parishes of St. Anne and St. Agnes, or St. Anne, Aldersgate; St. Augustine; St. John Zachary; St. Martin, Ludgate; St. Martin in Vintry; St. Mary Colechurch; St. Michael Royal; St. Swithin, and St. Vedast Foster. This is the more noteworthy in that none of these particular parishes coincided precisely with a Precinct, and the majority of them stretched into more than one Ward.

[2] Sometimes this was allowed avowedly for the purpose of raising money for church expenses. Thus, in St. John Zachary Parish, which lay in three different Wards, it was, in 1699, "agreed in a full Vestry that fines be admitted to be taken for the defraying of the charge of new tiling the north side of the chancel and repairing with slate the south side"; and two persons were thereupon "admitted to fine off all offices belonging both to the Church and Ward for the sum of ten pounds each" (MS. Vestry Minutes, St. John Zachary, 20th October 1699). In 1713 we may note an apprehension that the Wardmote might claim the money. "Whereas Mr. G. F. hath . . . paid £13 : 15s. for being excused for serving any parish office, and £2 for Ward offices, now it is agreed that if the fine shall at any time hereafter be called for by Cripplegate Ward, that then the present Churchwarden for the time then being shall pay or cause to be paid the said sum of £2 so received by them as a fine for the said Ward offices" (MS. Vestry Minutes, St. Peter's, Westcheap, 9th April 1713).

[3] Where the names are recorded they are often the same. Moreover, we hear incidental complaints of the way in which "The Heads of the Parish" monopolised the power of Precinct and Parish alike; see, for instance, a letter of 23rd November 1723, relating to Bishopsgate (No. 50, Home Office Domestic State Papers in Public Record Office); the pamphlet of 1784 relating to St.

Dunstan's-in-the-West (London Pamphlets, in Guildhall Library, vol. xxix. No. 123); and one of 1791 relating to St. Bride's (*ibid.* vol. xxix. No. 194).

[1] There is incidental allusion to the Precinct Meeting as having been in practice one of "Ancients." In Aldgate Ward, in 1833, "those who have served the office of Constable are chosen Ancients the next year, which is now a nominal appointment, but may have been connected formerly with the Precinct Meeting, which was probably considered as a meeting of Ancients" (Second Report of Municipal Corporation Commission, 1837, p. 140). In the small Lime Street Ward, which was not divided into Precincts, "four or five days before the Wardmote, a meeting is called of Ancients, that is of those who have served the office of Constable. This meeting is called by the Common Council and selects the Ward Officers" (*ibid.* p. 151). It is to be noted that in one of the earliest cases of the establishment of a Close Vestry by Bishop's faculty—that of St. Botolph Without, Aldersgate—it was expressly recited that, of the persons named as members, "the most part have been Constables or Churchwardens or of the Inquest, as 'tis called" (*The Report of the Committee appointed by a General Vestry of the Parish of St. Botolph Without, Aldersgate*, 1733, p. 11).

[2] Thus, in the MS. Records of St. Martin's, Ludgate, a parish of 178 houses standing in two Wards, we see, between 1692 and 1761, the Precinct Meeting provisionally putting the nominations for Constable and Scavenger upon four or five persons simultaneously, and then adjourning to receive their excuses and offers of "fines" to be omitted from formal nomination (MS. Records, St. Martin's, Ludgate, 1692-1761).

days would be spent in adjourned meetings, at which the worthy nominees would present their excuses—one, perhaps, producing a "Tyburn Ticket"[1] exempting him from service, another pleading that he was "one of the gentlemen of His Majesty's Privy Chamber,"[2] whilst others would simply bargain to be let off from nomination to this or that office for substantial payments, which ranged from £1 for a single office for a single year, up to as much as £16 for complete exemption from all Ward and parish offices.[3] Part of the so-called "fines" levied by the Precinct—which were, it must be borne in mind, not the customary fines in lieu of service, but entirely illegal exactions for exemption from nomination—went, by custom, "to the poor,"[4] whilst the rest was disposed of by the meeting. But whether much or little had been exacted in this way, the Precinct Meeting always treated itself, or was treated by the presiding Common Councilman,[5] to a convivial supper at the favourite tavern of the Precinct.[6] At the meetings of the larger or more independent Precincts, other business would be transacted. Some Precincts appointed their own Collectors of Rates and even received and paid over the proceeds of their collections. Others managed the Nightly Watch for their own little districts, instead of this being done by the Ward Council.[1]

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[1] MS. Records, St. Martin's, Ludgate, Precinct, 10th December 1716 (see *The Parish and the County*, pp. 19, 63).

[2] MS. Precinct Book, St. Gabriel's, Fenchurch, 11th December 1754.

[3] MS. Precinct Book, St. Martin's, Ludgate, 18th and 20th December 1703. The following entry is typical: "Mr. J. presuming the thirty shillings he lately paid as a fine for being excused Questman was for all the offices of Questman, and being satisfied it was to excuse him for one year only, he desired to have his fine again, and to serve, which was granted to him" (*ibid.* 20th December 1703).

[4] This part was usually paid to the Churchwarden. Sometimes we see the Precinct itself distributing it. At St. Martin's, Ludgate, in 1807 it was "resolved that the fine received from Mr. B. be distributed to poor housekeepers of this Precinct at the discretion of the Churchwarden"; and five shillings were given to each of eight men (MS. Records, St. Martin's, Ludgate, Precinct, 14th December 1807).

[5] "Formerly the Common Council used to provide suppers for the Precinct Meetings, and they were very well attended then" (Second Report of Municipal Corporation Commission, 1837, p. 149, as to Farringdon Within Ward).

[6] Thus, in the Precinct of St. Martin's, Ludgate, we find "expended by order of the Precinct Meeting, £2 : 6 : 6" (MS. Precinct Book, St. Martin's, Ludgate, 19th December 1760; see also the references to the supper in the "First Precinct Book of Aldgate Ward," by C. R. Rivington, in *London and Middlesex Note-Book*, by W. P. W. Phillimore, 1892, pp. 125-128). Many similar items for the "expenses of the meeting" occur in such accounts as have been preserved. At the Broad Street Wardmote in 1780 "the gentlemen present came to a resolution of curtailing the expenses of the future Precinct Meetings and also of St. Thomas's Day" (MS. Records, Broad Street Ward, 13th December 1780). But within a few weeks "it is ordered that the resolution of the last meeting for curtailing the expense of the future Precinct Meetings and on St. Thomas's Day be rescinded, it not being Ward business" (*ibid.* 31st January 1781).

The principal function of the Precinct Meeting, apart from its annual nominations, was to serve as the election committee of the particular Common Councilman of the Ward who was supposed to represent the Precinct. The nomination for this office, which was much coveted by the little folk of the City, was in the hands of the Precinct Meeting; but although the election by the Wardmote was nominally an annual one, there very quickly grew up a custom of not disturbing the holder of the place for the rest of his life, unless he chose voluntarily to retire. When a vacancy occurred, the nomination was naturally secured by the most prominent and most generous member of the little gang who dominated the Precinct Meeting. There is an instance in which, when only one person happened to be punctual in attending the Precinct Meeting, that person nominated himself as Common Councilman. This, however, led to a protest. "At a meeting of the inhabitants of Goldsmith's Row Precinct in the Vestry Room of St. Vedast *alias* Foster, to take into consideration the extraordinary circumstance that occurred at the Precinct Meeting holden Tuesday evening last, namely, there being but one inhabitant present to return the Common Councilman, Constable, Inquestman, and Collector of the Consolidated Rate," it was resolved that the conduct of that person "in hastily taking the chair and causing himself to be returned as the representative of this Precinct in Common Council . . . was highly improper and disrespectful to the inhabitants," seeing that if he had only "waited a reasonable time several inhabitants would have attended, and were very much surprised to find on their arrival the business concluded." Another nomination was then made.[1] The nomination by the Precinct was, in most cases, equivalent to election by the Wardmote, as it was a point of honour for all the representatives of the Precinct Meetings to support each other's influence. "Every Ward," it was said, "is divided into Precincts, every Precinct has its pothouse, every pothouse has its pet for the Common Council; there is a general understanding that they shall all stand by one another; the union of all the names produces the 'house list' for the Ward."[2] But occasionally the Precinct nomination would be resisted at the Wardmote,[3] and in one or two of the larger Wards polls were not infrequent. The "old gang"—representing the various Precinct Meetings—would, however, stand solidly together both at the Wardmote and at the poll of the Ward, and a new-comer had but little chance. "In the Wards of the City," it was said in 1836, "where 12 or 16 persons are sometimes elected from one Ward, it is always understood that a candidate stands no chance, although there may be a vacancy, if he is opposed by the old Common Councilmen. Moreover, every member of the whole body has an interest in preventing a contest, since it might possibly be his chance to be thrown out. Hence whatever difference in sentiment may exist among them, they generally agree in one thing, to stand by each other."[1]

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[1] Thus, in one Precinct we find the following resolution signed by ten inhabitants: "We . . . do hereby promise and agree that the Watch Rate for this Precinct shall from and after the date hereof be regularly made and collected by a pound rate on the inhabitants according to their respective rentals in the Land Tax books of the Ward; and we do hereby consent that the rate for the ensuing year shall be made sufficiently to make a provision for the payment of all arrears due to the Ward as a quota for the privilege of watching and warding the said Precinct separate and distinct from the said Ward." Five persons were appointed "to regulate the watchmen as to their stations and where the watch-boxes should be fixed for the year ensuing" (MS. Precinct Records, Ward of Farringdon Within, 10th December 1814). So, too, the Precinct of St. Martin's, Ludgate, in 1759-1761 was collecting its own Watch Rate, Scavenger's Rate, and Orphan Rate; paying its own Beadles and Scavengers; remitting the proceeds of its Orphan Rate to the Corporation officers; and handing over the balance to the Common Councilmen of the Ward (MS. Records, St. Martin's, Ludgate, Precinct, 1759-1761).

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[1] MS. Precinct Records, St. Vedast's, Ward of Farringdon Within, 17th December 1827; in MS. Minute-Book of St. Vedast's parish.

[2] *Fraser's Magazine*, April 1854, vol. xlix. pp. 456-457. Of one Ward we are expressly told in 1833 that "the Common Council arrange among themselves for which Precinct they will be nominated, and the chief use of the Precincts appears to be to provide an election committee for the candidates in case of contest" (Second Report of Municipal Corporation Commission, 1837, p. 142).

[3] A printed leaflet, preserved among the MS. Records of the Ward of Farringdon Within, tells us something of the Ward politics of 1790. One of the Common Councilmen had died, and a contest was expected. So rare were contested elections that the Minute-Book was referred to. This showed that the Precinct had always arranged its own nomination, which the Wardmote had accepted. The particular Precinct that was this time concerned held its meeting and arranged its nomination. But factious opposition arose from another Precinct (Blackfriars), and a rival candidate was nominated. "During the poll the respectable inhabitants came forward in favour of the Precinct return, and convinced the inhabitants of Blackfriars that they were not to dictate out of their own parish," and, in spite of "all the canvassing from house to house, eating, drinking, and every influence that could be used, and the interference of many busy people out of the Ward," the nominee of the Precinct was elected by 218 to 153 (MS. Records, Ward of Farringdon Within, 10th February 1790). The idea of the Precinct as a separate unit of government was carried even to the length of applying it to Substitute-Constables. It was ordered in one Wardmote that "for the future no person be accepted to serve as a Substitute-Constable for this Ward, that resides in the Precinct of Blackfriars, except for that Precinct" (MS. Records, Ward of Farringdon Within). A similar order was made by a Precinct Meeting in Langbourn Ward (MS. Records, St. Gabriel's, Fenchurch, 14th December 1736). In the populous Ward of Farringdon Without, which had six large Precincts, the autonomy of the Precinct was carried to greater lengths than even in Farringdon Within, or in any other Ward. Each Precinct had its own Precinct Clerk, and four of them had their own Precinct Beadles; five of them had their own Inquest Juries, 12 to 15 in number, and their own Common Councilmen, 2 to 6 in number; whilst all of

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them had their own Collectors of Rates and their own Constables. There was one Wardmote, one Ward Inquest which made formal presentments, and also one Common Council for the Ward as a whole, which met monthly, and in 1833 spent its time in considering the applications for public-house licences. But as the officers for each Precinct were definitely appointed at the Precinct Meetings, and only formally reported to the Wardmote; as each Precinct had also its own Precinct Inquest which met every Sunday to perambulate the Precinct and visit the public-houses; and as the Common Councilmen for each Precinct met separately, and made separate rates for their several Precincts, it will be apparent that the Precincts in this case were of the nature of distinct Sub-Wards. One of them, indeed, had formerly been subdivided into four Precincts of its own (Second Report of Municipal Corporation Commission, 1837, p. 150).

[1] *The Local Government of the Metropolis*, 1836, p. 18. That the system did not die away even after 1835, we may infer from the following hostile criticism in 1854. "The elections of Common Councilmen are generally preconcerted. In several, if not most, of the Wards there are Precincts which constitute a sort of sub-committee. At the Precinct Meetings, which are rarely attended by more than from six to ten or twelve, and very often not attended by more than two or three, the list is agreed upon of Common Councillors to be recommended to the Court of Wardmote. At the Court of Wardmote, this list is represented as the list of candidates recommended, and it most generally consists of the old candidates. At those Precinct Meetings it very often happens that cakes and wine and other refreshments are provided for the few who are congregated in order to prepare this nomination list, if I may so call it. Then if any person be proposed as a candidate . . . he is put at the bottom of that list . . . he is considered an intruder. . . . The preliminary committee of the Wardmote, the Precinct Meeting, or, where there are no Precincts, a clique of publicans (for they exercise very considerable influence in the election of Common Councilmen) prearrange who shall be the preferable candidates, and those candidates are returned, directly in the case of Precincts, indirectly in the other case, to the Wardmotes, as the parties who should be elected. I am not aware of any cases of direct bribery in the election of Common Councilmen" (Report and Evidence of the Royal Commission on the Corporation of London, 1854, p. 30).

The Inquest of the Ward

Meanwhile, we may imagine an active citizen getting himself nominated by his Precinct on the Inquest Jury[1] for the Ward—a position which exempted him by custom from the more onerous service of Constable or the Nightly Watch, and which enabled him to participate in the influence and petty perquisites attendant on the power of presenting his neighbours for all sorts of minor defaults. The Inquest Juries of the London Wardmotes have been compared to the Leet Juries of the Manorial Courts. But the Inquest Jury, unlike the Leet Jury, was confined to the presentment of offenders, whom it could neither try nor amerce. It was, in fact, only a Jury of Accusation.[2] On its appointment by the Wardmote on St. Thomas's Day, this Inquest Jury was made the subject of a solemn charge by the presiding Alderman—a charge which gave it the duty of the most comprehensive supervision of all the delinquencies of the Ward, and which had been so frequently printed and reprinted that it came, we suspect, to be taken as read.[1]

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[1] The Wardmote Inquest Jury (which may be traced in *Munimenta Gildhallæ* (Rolls Series), vol. ii., 1860, pp. 283, 370, etc., and *Liber Albus*, p. 34) does not seem to have been made the subject of more study than the Precinct, though considerable materials are accessible among the MSS. in the Guildhall Library in the form of Wardmote books, Inquest books, presentments, etc. Something is to be gained from "The Nature of the Wardmote" in *Liber Albus*, by H. T. Riley, 1861, p. 32; Ned Ward's *The London Spy*, 1699; *An Inquiry into the Nature and Duties of Inquest Jurymen of the City of London*, by a Citizen (*i.e.* Joseph Newell), 1824 and 1825; and the Second Report of the Municipal Corporation Commission, 1837, p. 137. Some description of the institution is given in *An Account of the Church and Parish of St. Giles without Cripplegate*, by J. J. Baddeley, 1888, pp. 185-188.

[2] "For the Jury . . . are not to try any matter, but only to make presentments, which are carried before the Mayor" (*An Inquiry into the Nature and Duties of Inquest Jurymen of the City of London*, by a Citizen, 1824, p. 49). The procedure seems to have been for the presentments of the Jury to have been made to the Wardmote, and then if they were approved by the presiding Alderman, for them to be handed in by the Foreman (who used at one time to be accompanied by the whole Inquest, in their gowns) to the Court of Aldermen. If the Court of Aldermen thought fit, the City Solicitor would be ordered to prosecute the offenders at the City Sessions (see Act of Common Council, 1st December 1738; *A List of the By-laws of the City of London Unrepealed*, 1769). Occasionally, however, the Wardmote itself seems to have directed the prosecution, at the expense of the Ward, and in the name of the Foreman of the Inquest. Thus, in the records of Broad Street Ward for 1794 we read that "a bill from Mr. L. Foreman of the Inquest, was presented for charges incurred by him in conducting a prosecution against . . . a baker in an action brought against him for exposing to sale bread short of weight. . . . Resolved that Mr. L. be paid six guineas as a compensation for conducting the prosecution" (MS. Records, Broad Street Ward, 22nd October 1794). Like other Juries, its presentments required the concurrence of twelve men; and we find one Ward in 1829, when attendance was becoming slack, electing its four Common Councilmen as "supernumerary Inquestmen," so that they might make up a quorum when required (MS. Records, Lime Street Ward, 24th January 1829). This was deprecated as illegal (*An Inquiry into the Nature and Duties of Inquest*

The Freeman who had got himself placed on the Ward Inquest would find himself summoned by the Beadle, in December, to attend one or more meetings "at the Quest House"[2] or in some favourite tavern of the Ward. There the

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Jurymen of the City of London, by a Citizen, 1824, p. 110). It was said in 1833 that the Inquest might be composed of Freemen or non-Freemen (Second Report of Municipal Corporation Commission, 1837, p. 137).

[1] "Ye shall truly inquire if any person keep any bawdy house, gaming house or other house of ill-fame; or keep an ale-house, or victualling house, or sell beer or ale without a licence. Also, if any Freeman against his oath made, conceal, cover, or colour the goods of foreigners by which the King may in anywise lose, or the franchises of this City be emblemished. Also, if any officer, by colour of his office, do extortion to any man. Also, if any man encroach, or take of the common ground of this City. Also, if any common way or common course of water be foreclosed or letted, that it may not have its course as it was wont, to the annoyance of the Ward, and by whom it is done. Ye shall diligently make search and inquiry whether there be any vintner, innholder, ale-house keeper, or any other person or persons whatsoever, within this Ward that do use, or keep in his, her or their house or houses any measures which be unsealed, and by law not allowed to sell wine, beer, ale or other liquors thereby, and whether any of them do sell by any measures not sealed. Also, if any persons within this Ward do sell any goods, wares and merchandises by false scales, weights and measures. Also, forasmuch as it is thought that divers and many persons dwelling within the Liberties of this City daily occupy as Freemen, whereas indeed they be none, nor never were admitted into the Liberties of this City; ye shall therefore require every such person dwelling within this Ward, whom ye shall suspect of the same, to show you the copy of his Freedom, under the seal of the office of the Chamberlain of the said City; and such as ye shall find without their copies, or deny to show their copies, ye shall write and present their names in your Indentures. Also, if any dwelling within this Ward, which do offer or put to sale any wares or merchandises in the open streets or lanes of this City, or go from house to house to sell the same, commonly called hawkers. Also, if any have fraudulently or unduly obtained the Freedom of this City. Ye shall assemble yourselves twice, or oftener if need require, so long as ye shall continue of this Inquest, and present the defaults which ye shall find to be committed concerning any of the articles of your charge, to the end due remedy may be speedily applied and the offenders punished as occasion shall require" (*Articles of the Charge of the Wardmote Inquest*, in many editions, from 1641 onward. The version quoted is that given in *An Inquiry into the Nature and Duties of Inquest Jurymen*, by a Citizen, 1824, pp. 50-52). The "articles," to much the same effect, are given by John Carpenter in 1419 (*Liber Albus*, by H. T. Riley, 1861, pp. 287-292).

[2] The Inquest of Aldersgate met in Trinity Hall, until 1548 the property of a small religious community, transferred at that date to the Parish of St. Botolph's Aldersgate; see *An Account of the Foundation of Trinity Hall, now the place where the most ancient Court of Inquest is kept, etc.*, by R. Orme, 1709.

Inquest would be formally opened. All the publicans of the Ward would have been summoned to attend, as it was part of the business of the Jury, not only to make them produce their licences and their "Freedoms," but also to include, in their presentments to the Wardmote, the names of such of them as were recommended for renewal of their licences.[1] Arrangements would then be made for perambulating the Ward, attired in gowns of sober black,[2] and attended by the Ward Beadle in all the glory of his uniform,[3] the bell of one of the churches meanwhile being solemnly rung. The object of the perambulation was to inspect the weights and measures, survey the pavements, detect any non-Freemen who presumed to carry on business in the Ward, and generally to execute the elaborate "Articles of the Charge to the Wardmote Inquest," which had been handed down, almost unaltered, from mediæval times. Twice or three times a year—it had formerly been once a month[4]

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[1] "Resolved that the Beadle do summon the several victuallers of this Ward to attend the Inquest . . . to show their several licences, and copies of their Freedom, to the Inquest" (MS. Records, Walbrook Ward, 7th January 1741). Their personal attendance was afterwards dispensed with, perhaps because the annual renewal of the licences had become a matter of course. In Cheap Ward we find it "resolved that the practice which has hitherto existed of summoning the victuallers to attend the Inquest, to have their licences recommended for renewal, be discontinued"; and "that when the Gentlemen of the Inquest attend to collect the contributions of the inhabitants for the relief of the poor, they require from the respective victuallers of the Ward the production of their licences" (MS. Records, Cheap Ward, 3rd January 1821).

[2] "Agreed to walk on Thursday next in gowns" (MS. Records, Walbrook Ward, 28th December 1731). Even a century later we read, in another Ward, "the Beadle to provide gowns (12) . . . and to provide [? refreshments] as usual" (MS. Records, Cornhill Ward, 27th December 1831). The Court of Aldermen in 1834 "resolved that it is expected by this Court that every Inquest attending to make a presentment should appear in the gown usually worn by them as hath anciently been accustomed; and it is ordered that whenever any Inquest shall attend without being properly habited, they be not admitted to make their presentments until after the other Inquests have been received and have made their presentments" (Court of Aldermen, 21st January 1834, Repertories, vol. ccxxxviii.).

[3] "The Ward Beadle . . . becomes . . . the servant of the Inquest Jury. . . . When the Jury perambulate the Ward, he, being a Constable, attends on them in this capacity, whose duty is to execute their orders, together with the other duties of a Constable, such as looking after all non-Freemen, all deficient weights, scales and measures, and all frauds committed, nuisances and annoyances of every description . . . and if any grievances exist which he cannot remedy, he ought then to inform the Foreman of the Inquest" (*An Inquiry into the Nature and Duties of the Inquest Jurymen in the City of London*, by a Citizen, 1824, p. 109).

[4] The "form of Order" by the Lord Mayor to the Alderman of the Ward continued to direct it to be "once every month at the least"; and in Tower

—the Questman would find himself thus going through what, if we may believe a satirist of 1699, had become a mere pretence of investigation by the "worthy members of the Quest, whose business was to inspect weights and measures, taking care that every shopkeeper's yard be of the standard length, whilst the wife, sitting behind the counter, laughs in her sleeve all the time they are measuring. Also, to give warning for the mending of pavements and removing all nuisances under the penalty of a fine. Their meeting is generally at a Hall, except they have a Quest House, from whence they go to church to prayers and return to be drunk. They detect very few people in their faults, for they honestly take care not to injure their neighbours, but inform them when they shall walk their rounds that they may remove their false weights and measures out of the way. . . . The inhabitants of every Precinct are obliged to give them their company at dinner. . . . They have a groat a house from each inhabitant, besides their fines, with which they feast their ingurgitating stomachs with luxurious excesses."[1] It must be admitted that the disbursements of the Ward of Cheap, in the year 1701, which happen by chance to have been recorded in the Wardmote book, indicate the substantial accuracy of Ned Ward's lively picture. "Paid and expended on the several Meetings of the Inquest, £3 : 3 : 7," and "paid expenses in our examining the Weights and Measures, 19s.," read moderately enough; but "paid the steward's bills, £21 : 11 : 10½," and "paid the vintner's bill, £52 : 9s.," point to more extensive conviviality; whilst the other items of the account, such as £5 : 3 : 6 for "sugar and spice," £3 : 19 : 6 for the "coffee man," £5 for "ale and beer," and a modest 12s. 3d. for the baker's bill, bear a like interpretation.[2] How the wine and

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Ward the Inquest did go round about monthly (Second Report of Municipal Corporation Commission, 1837, p. 153).

[1] *The London Spy* (by Ned Ward), 1699, p. 8. That friendly neighbours, even when caught in the act, were very leniently dealt with, is apparent from the records. "The Inquest," we read, "reviewed the light weights seized by them, and ordered them to be rendered unfit for use and returned to the respective owners, with a reprimand for their being deficient" (MS. Records, Walbrook Ward, 6th January 1742). "The going about in bodies is not a likely way," it was said, to discover such delinquencies, "for that is giving notice to people to keep their false weights and measures out of the way" (*Kentish Post*, 6th January 1738).

[2] MS. Records, Cheap Ward, 1701.

victuals were consumed we learn from the "Inquest Books" of other Wards. Here, for instance, is an entry which frequently recurs at the opening of the eighteenth century. "The Inquest," it is recorded, "did invite the inhabitants of the several Precincts to breakfast, who, with the Common Councilmen, generally came, and were plentifully entertained in good order to their great satisfaction."[1] Now and again, as in 1694, "the extravagant expense of the meeting of the Inquest Jury in eating and drinking" would be reprobated by the Common Council or the Court of Aldermen.[2] Such admonitions had apparently more effect in discouraging the old-fashioned lavish hospitality to the inhabitants at large, than in suppressing the banquets themselves. In 1721, for instance, we see the Inquest in one Ward deciding to confine their feasting to a more select circle. In the Ward of Cheap "the Inquest met at the Globe and Sceptre Tavern in the Old Jewry, and the question being then put by Mr. H., the Foreman, whether they should keep open house or not, it passed in the negative."[3]

The Questman with a fastidious conscience would have an uneasy time. He might agree with some of the critics that the almost avowed levying of hush-money, the "mean way of going from house to house to collect money, to spend in eating and drinking, in order to screen offenders from Justice, is a most scandalous practice."[1] We gather, however, that the main source of the funds administered by the Inquest was the house-to-house collection made in each Ward early in January, ostensibly for the relief of the poor of the Ward. "Agreed," runs one record, "to meet at the Quest Room on Wednesday, the bell to ring at 10 o'clock, to ring for an hour . . . to proceed through the Ward, inspect weights, and collect for the poor."[2] Those who did not at once respond to the demand—made, it must be remembered, by a body having no little power of potential annoyance—were importuned until they gave way. "Resolved," said the Walbrook Ward Jury, "that the Inquest attend those persons in their respective Precincts who have not already contributed their charity, in order to complete their collection."[3]

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[1] MS. Records, Candlewick Ward, 21st December 1703 (sample of many such entries).

[2] "This Court taking into serious consideration the frequent and just complaints of the great charge that ariseth yearly to the citizens of this City by reason of the extravagant expense of the meeting of their Wardmote Inquest, in eating and drinking; and also in sending abroad wine and ale to the inhabitants of the several Wards, which not only occasion great loss of time, but also the neglect not only of the citizen's private affairs, but likewise the public concerns of this City. It is therefore hereby declared and ordered, for the suppression thereof for the future, that no inhabitant within this City or liberties thereof, is or shall be obliged, at their respective attendance upon the said Inquests, to give or pay any money whatsoever towards such expense; and this Court doth hereby prohibit the receiving any sum or sums of money for or towards the expenses aforesaid, and doth hereby order and enjoin the several and respective Inquests of the said City do from time to time make adjournments in order to their refreshing at their own houses" (Act of Common Council, 19th December 1694; in *An Inquiry into the Nature and Duties of Inquest Jurymen, etc.*, by a Citizen, 1824, p. 73).

[3] MS. Records, Cheap Ward, 21st December 1721. But the custom did not die out for another century. In Cornhill Ward, in 1831, "on some consideration whether a dinner of inhabitants of Ward should take place with Inquest, as anciently accustomed and last time in 1828; on question put, resolved that on account of present illness of Alderman . . . the same shall be postponed for present" (MS. Records, Cornhill Ward, 27th December 1831).

The complicated internal organisation of the Inquest Jury of the City of London deserves notice. The Juries of the Manorial Court, like all other Juries of which we have any knowledge, consisted simply of a dozen or more undifferentiated members, with a Foreman. Instead of any such simple structure, the Inquest was a complicated hierarchy of distinct ranks or grades, each recruit beginning at the lowest. "They have," declared Ned Ward, "as many several offices amongst them as are in a nobleman's family, viz. Foreman, Controller, Treasurer, Steward, Butler, etc."[4] In Cornhill Ward the 16 Questmen were severally appointed to different offices, bearing 11 distinct names (Foreman, Upper Speakers, Under Speakers, Pricker, Treasurer, Controller, Scribe Within, Scribe Without, Stewards, Butlers, and Gentlemen Ushers), which were ranged in four "degrees," and had all their separate duties.[5] In other Wards, the Inquest had a similar organisation, more or less elaborate, sometimes (as in Lime Street Ward) merely a division into Ancients, Second year men and First year men;[1] sometimes (as in Portsoken Ward) with separate offices of "Blackbookmen," Collectors, "Benchers" and "Fewellers."[2] Occasionally (as in Cheap Ward) there was an "Introducer";[3] or (as in Walbrook Ward) a Remembrancer, a Surveyor of Highways, a Surveyor of Arms, a Halter-Cutter, and an "Entertainer," with separate Treasurers and Stewards "of the House" and "of the Poor" respectively, and an Auditor.[4] It is significant of the functions of these officers that, when in 1721 the Inquest of the Ward of Cheap decided, as we have mentioned, to give up keeping "open house," it was resolved, "there being no occasion for so many offices as were used when they treated, that only the following officers be appointed, viz. a Foreman, Examiner, Treasurer, Secretary, Controller, and Steward."[5] Formerly this Inquest had had Upper and Under Stewards, Upper and Under Butlers, and a "Gentleman Entertainer." These elaborate organisations had their codes of rules, annually re-enacted by each succeeding Inquest, penalising, by fines ranging from a shilling to a pound, such social offences as giving "his fellow the lie or any uncivil word," or telling an "untruth";[6] swearing "any oath at the holding of an Inquest," or presuming to "curse any of his brethren"; coming late to the meetings, or absenting oneself when summoned.[7] It was in one Ward solemnly "agreed that at the knock of the hammer every man shall take his place and keep silence, and if any shall be found faulty in that particular, he shall pay a shilling to the poor's box."[8]

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[1] *Kentish Post*, 6th January 1738.

[2] MS. Records, Cornhill Ward, 27th December 1831. Probably, the collection was a survival of the time when there was no Poor Rate. It may be fair to record that it was, in 1824, ingeniously suggested that the original purpose of the collection was to defray the expenses of the Inquest in conducting prosecutions, before these were undertaken by the City Solicitor; and that only the surplus was ever intended for the poor (*An Inquiry into the Nature and Duties of Inquest Jurymen of the City of London*, by a Citizen, 1824, p. 72).

[3] MS. Records, Walbrook Ward, 4th January 1775.

[4] *The London Spy* (by Ned Ward), 1699, p. 8.

[5] Second Report of Municipal Corporation Commission, 1837, p. 147.

The Inquest Juries were, in fact, organised convivial clubs, which made the occasions of their official duties opportunities for social intercourse, at the expense either of the apprehensive or delinquent shopkeepers and other inhabitants of the Ward, or of the Alderman and Common Councilmen, of whom they formed a convenient electoral body-guard. The treating was, indeed, often reciprocal. "The Questmen's generosity and the Alderman's humility are," it was said, "commonly equal. The Quest contribute, in every Ward, through benevolence, their crowns apiece, to give his Worship a collation in respect to his dignity."[1] And although the appearance of the Inquests became gradually less obtrusive, and their convivialities less public, our imaginary Freeman with a century and a half of experience would have found them continuing practically without change, except that they no longer went to Church; even retaining in some Wards their ancient hierarchies of mysterious offices right down to Victorian times.[2]

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[1] MS. Records, Lime Street Ward, 1780-1835.

[2] Second Report of Municipal Corporation Commission, 1837, p. 152.

[3] MS. Records, Cheap Ward, 1724, etc.

[4] The Members of the Inquest Jury appointed each other to these offices, sometimes on an elaborate system. "At a meeting at the Swan Tavern, for avoiding all controversies that may happen about precedency in the Inquest, it is ordered that the whole Inquest do choose their Foreman, the Foreman the Comptroller, and they to choose the third man; who sit down and choose the rest, who take their places as chosen; and if the election shall be even, then the Foreman to have the casting vote" (MS. Records, Walbrook Ward, 28th December 1731).

[5] MS. Records, Cheap Ward, 21st December 1721.

[6] *Ibid.* 1701.

[7] MS. Records, Walbrook Ward, 1731.

[8] *Ibid.*

It would, however, be a mistake to regard the Ward Inquests, even in their eighteenth-century degradation, as nothing but convivial clubs. The records of all the Wards show that the distribution of funds in relief of the poor was a reality. It was customary for the Inquest to meet specially, on a day in January, "to distribute money to the poor";[3] and items of charitable nature occur in the accounts of all the Wards.[4] Now and then we see efforts made to put this service on a more satisfactory basis.

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[1] *The London Spy* (by Ned Ward), 1699, p. 8. As a great exception, we find it once specially recorded that "the Foreman gave the Inquest a very handsome dinner on Plough Monday, *and all the rest of the expenses were paid by themselves*" (MS. Records, Vintry Ward, 15th December 1762).

[2] The Second Report of the Municipal Corporation Commission, 1837, describes them as existing in several Wards. In St. Giles's, Cripplegate, at any rate, they continued until 1857, when an Act of the Common Council deprived them of the last remnant of excuse in the way of public service (*An Account of the Church and Parish of St. Giles without Cripplegate*, by J. J. Baddeley, 1888, p. 187). Even then the Inquest continued to be chosen in one Ward at least (Portsoken), for the dispensation of certain charities.

[3] MS. Records, Cornhill Ward, 27th December 1831. The Inquest for Lime Street Ward in 1781 collected £28 : 7s., of which £21 : 16s. was given to the poor of the Ward (MS. Records, Lime Street Ward, January 1781). On the other hand, in Walbrook Ward, in 1735, the Inquest "having collected of the inhabitants of the said Ward £9 : 11s. . . . did divide the same amongst twelve of them(selves) . . . to be by them disposed of in charity" (*ibid.* Walbrook Ward, 2nd January 1735).

[4] Thus, in Cheap Ward, the names of the recipients are recorded, with the dole of ten shillings or one or two pounds allowed to each (MS. Records, Cheap Ward, 1701-1829).

In Lime Street Ward in 1785 the Inquest adopts a systematic plan of collection and record.[1] In Cheap Ward in 1772 it is decided that "a new hat and coat for the Warden," and the fee of two guineas to the Beadle, "hitherto paid out of the money collected for the poor," is not a proper "application of the poor's money," and should in future be "paid out of the Ward stock."[2] On the other hand, in Lime Street Ward in 1815, when the Foreman of the Inquest for the past year made some observations on the impropriety of defraying all the expenses out of the money collected for the poor, and proposed "that the expenses of the attendance, etc., of the Ward Clerk, the Beadle, porters with weights, and other necessary charges incidental to the meetings and duty of the Wardmote Inquest, be in future paid by the Deputy from the funds of the Ward," his admirable motion was negatived by a large majority.[3] The Freeman might further claim that the Inquests fulfilled a useful function in keeping the Courts of Justice pure, by their careful and impartial selection of Grand and Petit Jurors for the Lord Mayor's Court and the two Sheriffs' Courts. A "most important part of the duty of the Inquest Jury," it was said in 1824, "is to appoint the Grand and Petty Juries for the City Courts." This, he would have to admit, had latterly gone out of use, "under a mistaken notion that the Jury Act interfered with these Returns" by the Inquests.[1] "Few of them," it was said in 1824, "know that they possess this right, and few, if any, exercise it; but any return of these jurymen, excepting through the Inquest presentment, which the Inquest Jury must sign, would be unlawful."[2] But the patriotic Freeman with a Conservative love of ancient institutions would assert, too, that where the Inquest Jury did its duty, it served as an efficient and discriminating instrument for enforcing upon the householder the fulfilment of his social obligations. How came it, he might ask, that the paving, cleansing, and lighting of the City streets was so much superior to what was done elsewhere, if not by the constant pressure of the Inquest Juries? In such a Ward as Lime Street, he might allege, the records show the Inquest Jury to have acted as a tribunal of first instance for many petty nuisances, summoning delinquents to appear before them; hearing accusers, witnesses and defendants; and deciding, exactly like such a tribunal, whether to ignore the complaint, to admonish the delinquent, or formally to present him for trial.[3] He might adduce a long list of the varied and important presentments, apart from defective weights and measures, bad pavement and the like, made by such Juries, for the suppression or removal of other nuisances, annoyances, and encroachments on public rights, some of them by high and influential offenders, whom these Ward Inquests did not shrink from accusing.[4] Finally, the enthusiastic Questman would point out that he and his fellow-members were regarded, right down to Victorian times, as the guardians of the privileges of the Freemen of the City. It was the Ward Inquest which initiated the proceedings against non-Freemen, by its presentments of persons who, without being free of the City, presumed to open shops and carry on trades; and by its reporting the names and addresses of the growing class of wholesale merchants and dealers, who claimed to be exempt from this requirement, but whose payments to the Corporation funds would prove a desirable addition to its revenue.[1]

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[1] One of the Inquest "represented . . . that much difficulty arose in the collections made for the poor by a too hasty and incorrect method of taking down the names . . . and that the Inquest, being sometimes together and at other times divided during their collecting, are liable to pass by some of the inhabitants." The Beadle was thereupon "ordered to furnish the Scribe with a regular list of all the names . . . entered in two books." The Inquest was then to divide into two parties, the Foreman or one of the Treasurers, a Scribe, an assistant Scribe, and four other members being in each, and each taking half the Ward. The Scribes were to record the donations (MS. Records, Lime Street Ward, 10th January 1785; see also Second Report of Municipal Corporation Commission, 1837, p. 147).

[2] MS. Records, Cheap Ward, 11th January 1772.

[3] MS. Records, Lime Street Ward, 21st December 1815. A similar motion was, however, carried seven years later (*ibid.* 21st December 1822). In Cheap Ward in 1819 the Inquest itself recommended to the Common Council of the Ward that the expenses of the Inquest, consisting of the charges of the Ward Clerk, the Beadle and the Warder for their attendance and services, and of the cost of printing and of cleaning the Ward scales, be thenceforth paid "out of the Ward stock," instead of, as theretofore, "out of the money collected for the poor," as complaints had been made by donors. The Wardmote formally approved this proposal at the end of the year (*ibid.* Cheap Ward, 17th January and 21st December 1819).

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[1] Second Report of Municipal Corporation Commission, 1837, p. 139.

[2] *An Inquiry into the Nature and Duties of Inquest Jurymen of the City of London*, by a Citizen, 1824, p. 85. The MS. Ward Records show the appointment of these Jurors to have been regularly made by presentment of the Inquest during the eighteenth century.

[3] MS. Records, Lime Street Ward, 1780-1830.

[4] These presentments, as we have incidentally described, were of all kinds. In 1711 the Inquest of the Ward of Cheap drew the attention of the Lord Mayor and Court of Aldermen to the oppression of the poor prisoners in the Poultry Compter, owing to the neglect to put up a table of fees, and in 1730 to the "miserable condition" of the building itself (MS. Records, Cheap Ward, 1711 and 1730); the Inquest of Aldgate Ward in 1698 presented the Drapers' Company "for that the pavements against their almshouses . . . are very bad and dangerous" (*ibid.* Aldgate Ward, 1698); the Inquest of Billingsgate Ward in the same year presented the New River Company "for their pipes lying too high," and the Yeomen of the Channel, Corporation Officers, "for suffering great quantities of unsizeable fish to be sold" (*ibid.* Billingsgate Ward, 1698); the Inquest of Vintry Ward presented the Lord Mayor, Aldermen and Commonalty—the City Corporation itself—for neglecting to light a certain "common house of easement" which they had to maintain, and for not repairing certain common stairs (*ibid.* Vintry Ward, 1696); the Inquest of Cornhill Ward

But however much the faithful defender of City institutions might protest that the Inquest Jury of the Ward rightly constituted its executive body, and that its members were the representatives of the inhabitants empowered to act "for the general good," and charged "to remedy every local grievance,"[2] he could hardly deny that they were regarded by their fellow-citizens with increasing impatience, if not contempt; and that their activities were treated by the governing authorities of the Corporation with an ever-waning respect. The real power of the Inquest Jury seems, in fact, hardly to have survived the Commonwealth and the Revolution; and the Ward records reveal, towards the close of the seventeenth century, many petulant complaints by the Jurymen that their presentments are no longer adequately attended to. Thus, the Inquest

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in 1698 presented "the hackney coachmen . . . with their coaches are very disorderly in their standing in the High Street and Cornhill . . . their abusive language, profane swearing and rudeness do disturb the inhabitants"; and also the farmers of Stocks Market for that they "suffer the country people . . . to come within the street of Cornhill with their carts and goods" (*ibid.* Cornhill Ward, 1698); whilst the Inquest for Lime Street Ward presented various nuisances arising from the slaughter-houses, the accumulation of offal and filth, the "groans and cries of beasts" and "the noise of the dogs" (*ibid.* Lime Street Ward, 1790, 1812, 1816); and that for Cheap Ward formally presented certain holders of mock auctions in the Poultry (*ibid.* Cheap Ward, January 1828). In 1799 "a Bread Inquest in one of the City Wards resulted in the fining of a number of bakers for short weight at the rate of five shillings per ounce, the penalties amounting to £20" (*Modern History of the City of London*, by C. Welch, 1896, p. 101).

[1] On the other hand, it was sometimes alleged that the mere Freeman was not at all anxious to make it easier "for merchants and other wealthy persons to come in to the Freedom of the City" (*A Brief State*[*ment*] *of the Several Disputes and Grievances at present complained of in the City of London*, 1724, p. 5).

[2] *An Inquiry into the Nature and Duties of Inquest Jurymen of the City of London*, by a Citizen, 1824, pp. 74, 80, 109.

for Walbrook Ward complains in 1698 that "these our labours, and divers other things . . . have been oftentimes presented, and yet no amendment; the neglect whereof may greatly prejudice the commonweal of this city." In particular, it was pointed out that the Inquest had repeatedly presented the wrongful diversion of "a certain watercourse . . . which did formerly run from St. Clement's Lane end and Eastcheap, down St. Martin's Lane . . . but for many years past, for some private conveniency, hath been . . . made to flow through Candlewick Street and Dowgate, to the frequent and very great annoyance of the inhabitants and passengers."[1] The Inquest for Billingsgate Ward sends up to the Court of Aldermen a despairing petition for "due redress, correction and punishment . . . that occasion may not be given to others to say our sitting is in vain"—amongst others, upon "Sir Josias Child, for stopping up the thoroughfare down to the waterside, according to ancient custom before the Fire of London."[2] During the eighteenth century, it is true, the Court of Aldermen continued regularly to direct the City Chamberlain to take action against those whom the Inquest presented as non-Freemen. The Court ordered that where nuisances were presented, the Foreman or another person should be bound over by recognisances in a penalty of forty pounds himself to prosecute the offenders at the City Sessions.[3] It even directed the City Solicitor to take the case into his own hands, in some instances in which the Alderman of the Ward concerned approved of the presentment and pressed for a prosecution. In the course of the century, however, the Court of Aldermen displayed an increasing indisposition to follow up such presentments at the Corporation expense. In 1821, when various presentments of encroachments had been made by the Inquest of Dowgate Ward, and the Court of Aldermen had decided that the City Solicitor should not proceed with the prosecutions, the Wardmote was moved to indignant protest that such conduct was "of the most alarming tendency," in adversely affecting "the purity and efficacy of Inquest presentments."[4] The privilege of returning the Grand and Petty Juries for the City Courts was one that the Court of Aldermen was perpetually trying to withdraw from the Inquests, in order to keep it in its own hands. Already in 1691 we see the Court, on the plea of "frequent complaints having been made of the inability of persons returned to serve," ordering "that the Alderman of every Ward do return unto this Court a list of the discreetest and most substantial men in their respective Wards," out of which the Juries may for the future be "impanelled." [1] And though the Ward records show that many of the Inquests continued to return the Grand and Petty Jurors, this function gradually passed out of their hands. Even in a matter like the choice of Rakers, we see the Court of Aldermen leaning against the Inquest, and deciding in 1699, on a complaint by the Inquest of Coleman Street Ward, that it was for the Scavengers, not for the Inquest, to appoint the Raker.[2] As decade followed decade, the whole utility of the Inquest was, in fact, being silently undermined by the slow revolution in Local Government practice that was taking place. So long as the watching, paving, lighting, and cleansing of the Ward had to be done by the personal service of each householder, the presentment by the Inquest of those who did not fulfil their obligations was an indispensable element of Ward government. But as these services came, one after another, to be increasingly undertaken by contractors and carried out by hirelings, at the expense of funds collected from the Ward in rates, some more responsible and continuous executive organ of the Ward was required, for the assessment and collection of the rates and the control of the administration, than was furnished by a mere presenting Jury.

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[1] MS. Records, Walbrook Ward, 1698.

[2] MS. Records, Billingsgate Ward, 1698.

[3] Repertories, vol. xcvii. p. 83 (1692-1693).

[4] MS. Records, Dowgate Ward, 21st December 1821.

The Common Council of the Ward

The Ward presently found its permanent executive in what was called the Common Council of the Ward [3]—the four to sixteen members whom the Ward elected to the Common Council of the Corporation, presided over by the Alderman of the Ward or his Deputy. This body, of which we suspect we have the beginning early in the seventeenth century, without express warrant from Charter or statute, met in secret, and gradually absorbed one duty after another. It is easy to imagine how indignantly the old-fashioned Questman would have watched the insidious rise to power of this new and unconstitutional Ward executive. In 1663 an Act of the Common Council endowed it with the right of nominating for the office of Ward Beadle.[1] For the first twenty years after the Restoration, we may note a constant succession of attempts by the Court of Aldermen to limit the rather turbulent activities of the Wardmotes, one device being the increasing recognition of the Common Councils of the Wards. During the opening years of the eighteenth century it was upon the Aldermen and the Common Councils of the several Wards, not upon the Inquests, that the Lord Mayor cast the responsibility for recommending ale-house keepers to be licensed, and for pointing out to the Lord Mayor and other Justices which of their ale-houses ought to be suppressed.[2] Similarly, from the very beginning of the eighteenth century we see the Common Council of the Ward superseding the Inquest Jury in the duty of making the return of persons "able and fit to watch or find a Watchman," and in appointing "the courses or turns of the Constables of the said Watch, and the order wherein the several persons . . .

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[1] Repertories, vol. xcv. (21st April 1691).

[2] *Ibid.* vol. civ. p. 98 (1699-1700).

[3] The MS. Minutes of the proceedings of the Common Councils of the various Wards are usually to be found interpolated among those of the Wardmotes; see the collection among the Ward MSS. in the Guildhall Library.

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[1] "Whereas . . . of late times divers very unfit persons have, by favour and sinister endeavours, procured themselves to be elected to the said place, by whose insufficiency and evil execution thereof much trouble and disservice hath ensued to the Aldermen and the Watches, and other common business and affairs of the Ward, which depend much upon that officer, have been neglected and hindered, not only to the particular damage of each Ward, but also to the general injury and disgrace of the government of this City," it is enacted that the Alderman, "with consent of the Deputy and Common Councilmen," shall nominate "two honest, sufficient and discreet persons," of whom the Wardmote must elect one (Act of Common Council, 10th October 1663).

[2] Journals of the Court of Common Council, vol. lii. p. 373 (1700); and subsequent years, see for instance, vol. liii. p. 753 (1st February 1704). So, in 1787, when the Government pressed for a restriction of the number of public-houses, the Court of Aldermen made it known that they would not license any that were not recommended by the Alderman and Common Council of the Ward (Resolution reprinted in 1790, see Repertories, vol. cxciv. p. 258, 22nd September 1790).

shall appear and keep watch."[1] Presently, the lighting of the narrow streets, hitherto a duty enforced by the Inquest on the householders, passes, as an organised service, into the hands of the Common Council of the Ward. By statute of 1736, Parliament empowered the Alderman, Deputy, and Common Councilmen of each Ward to contract for the lighting of the Ward, and to levy a rate for the purpose.[2] In the next year Parliament definitely gave to the Common Council of the Ward the appointment and command of the paid Watchmen, and the levy of the Watch Rate.[3]

By the middle of the eighteenth century the Common Council of the Ward had, in fact, become a busy executive body, meeting regularly every few weeks, and dependent for its authority, not on the Wardmote but on the Court of Aldermen and the Court of Common Council of the Corporation. We see it deciding to meet every three weeks "to examine the superintendent's books and other matters relating to the Watch";[4] or every eight weeks "for the purpose of receiving reports of the state of the Watch, lamps, paving, etc., as well as to receive from any of the inhabitants such information as may be considered beneficial to the Ward."[5] It makes and promulgates to the Ward, on its own authority, all the necessary regulations for the performance of the duty of the Nightly Watch.[6] It authorises the Deputy to supply "the Beadle with cash . . . sufficient to satisfy the charges of the Watch," and decides whether or not a Watch Rate on the Ward is required.[7] It regularly audits the accounts of the Beadle, the Deputy and the separate "Treasurer of the Ward Stock," if, through the Deputy's age and infirmity, such an officer is appointed.[8] We see it formally passing for payment, when there had been complaints made, the Paviours' bills for work done on account of the Ward,[9] and the expenses of the local committee of the Board of Health which had been taking measures against the cholera.[1] It is prompt to communicate with the Common Councils of the other Wards in order to organise joint action to influence the Court of Aldermen whenever this seems desirable in the interests of the Wards.[2] All these meetings, usually held at six o'clock in the evening at the favourite tavern of the Ward, were accompanied, according to the ingrained habit of the City, by a dinner or supper at the public expense. The Common Council of the Ward would even deliberately multiply the dinners; inviting to meet them, now the Common Council of some other Ward, now even the Lord Mayor himself.[3] It would have been in vain for the old-fashioned Questman to point out that this supersession of himself and his fellows, publicly perambulating the Ward and declaring their presentments in Open Court, by a small group of men, meeting in secret, issuing orders to hireling officers and levying compulsory taxes, could not fail eventually to destroy the autonomy of the Ward itself.

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[1] Act of Common Council, 1704; see Journals of the Court of Common Council, vol. liv. p. 149 (1704).

[2] 9 George II. c. 20 (1736); Journals of the Court of Common Council, 22nd October 1735, 8th July 1736, and 17th September 1736; amended by 17 George II. c. 29 (1744); Journals of the Court of Common Council, 16th October 1744 (vol. lviii. p. 338).

[3] 10 George II. c. 22 (1737).

[4] MS. Records, Broad Street Ward, 18th January 1792.

[5] *Ibid.* Dowgate Ward, 5th February 1822.

[6] *Ibid.* 24th January 1812.

[7] *Ibid.* 12th January 1808.

[8] *Ibid.* Broad Street Ward, 11th August 1791.

[9] *Ibid.* Dowgate Ward, 18th June 1817.

The Decay of Ward Government

In the course of another generation this prediction was fulfilled. Exactly as the Common Council of the Ward had silently taken the place of the Inquest Jury, so the centralised administration of the Court of Common Council, which we shall presently describe, came gradually, in one service after another, to supersede the little local committees formed by the Ward Councils. In 1765, stimulated by the example of the new pavement of Westminster, the Court of Common Council formally referred it to the Committee which acted as its

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[1] MS. Records, Dowgate Ward, 21st February 1833.

[2] *Ibid.* 13th June 1809.

[3] "The gentlemen present came to a Resolution to invite the Right Honourable the Lord Mayor to dine with this Common Council at their expense on a day that may be convenient to his Lordship" (MS. Records, Broad Street Ward, 10th March 1785). Presently, however, the expenses cease to be paid out of public funds. It had to be expressly ordered by the Wardmote of Cheap Ward in 1796, "that in future the Common Council of this Ward do pay the expense of all their meetings out of their own pockets" (MS. Records, Cheap Ward, 21st December 1796); and by that of Broad Street Ward as late as 1833, "that all refreshments taken by the Alderman and Common Councilmen at their meetings for business of the Ward be paid for by the Common Councilmen themselves" (*ibid.* Broad Street Ward, 8th July 1833).

Commissioners of Sewers[1] to report why the paving of the City streets was so defective, and why so many nuisances remained unchecked. The elaborate Report made by the Commissioners of Sewers in reply to this inquiry attributed all the evils to the lack of a central authority. Notwithstanding all the Acts that had been passed, the inhabitants had "continued in the practice of paving the said streets themselves,"[2] and this anarchic way of doing it "renders the coachway very disagreeable and unsafe."[3] The Ward Authorities had failed to prevent all sorts of street nuisances, whilst there was no power to relay the pavements as a whole, provide raised footways, remove the obstructive posts, or stop the growing annoyance of the projecting signs. The Court of Common Council accordingly petitioned for and obtained the necessary statutory powers for the Commissioners of Sewers to pave, cleanse, light, and regulate the streets, entirely ignoring the ancient authority of the Ward Inquest. The expense was to be defrayed by a uniform levy on the householders, but it was left to the Common Council of each Ward, and its Wardmote, to appoint the Rate Collector, levy the actual rate, and pay over the required quota to the Commissioners of Sewers. Under these new statutory powers the improvement of the City streets went forward with a bound, and within a couple of decades we find a large staff of minor officials and contractors' workmen under the centralised control of the Committee at the Guildhall. From this time forth the Wards lost all their functions in the work of paving, cleansing, and lighting the streets, and retained only the petty patronage and perquisites involved in the assessment and collection of the rates demanded from their respective Wards. The prosecution even of those active nuisances of urban life, which had once formed so prominent a part of the presentments of the Inquest Jury, was now increasingly initiated, without any such presentment, by the Serjeant of the Channel, the Overlooker of the Market, the Marshalmen and other salaried officers of the Corporation itself. Such cases were dealt with, under the various new Local Acts which the Corporation had obtained, by the Lord Mayor or Aldermen sitting as magistrates at the Mansion House or the Guildhall. Even the control of the Common Council of the Ward over the Watchmen was to go. From 1763 onward we see the Aldermen, whether individually, or as a Court, perpetually seeking to monopolise the direction and command of the twenty-six complicated little police forces of the City, whether unpaid Constables or hireling substitutes, Beadles or Bellmen, Street-keepers or Watchmen. At the same time we see the Court of Common Council striving to get the Wards to put their several forces into better order. The Ward Beadles were to be sworn in as extra Constables, and not allowed to serve as substitutes.[1] The Wards were peremptorily ordered to increase the number and to raise the wages of their paid Watchmen.[2] Some Wards added to the confusion, if not to the efficiency, by appointing salaried Street-keepers. But it was impossible to galvanise these Ward forces into an efficient life. The Ward Beadle in his gorgeous uniform would do no active police service. The ancient Bellman, who once vigilantly called the hours, we are told in 1811, "now walks his rounds only for a night or two previous to Christmas, to furnish him with a pretence to solicit a Christmas box."[3] The inefficiency of the hireling Watchmen and substitute Constables became ever more manifest. Yet, to the last, the Wardmotes strenuously resisted any reform, strong in their conviction that "gentlemen chosen by and from amongst the inhabitants themselves, who must be personally interested in the protection of the Ward, are the most proper superintendents of the Ward Police."[1] The contrast between Peel's new police outside the City and the antiquated ways of the City itself, became, however, at last too glaring. The Lord Mayor and Aldermen, who had in 1832 remodelled their small and centralised force of Day Police,[2] took measures in 1833 towards amalgamating with this centralised nucleus the Nightly Watches of all the Wards. Against this final absorption of the Ward forces all the strength of local autonomy was marshalled. Indignant protests from the Wards implored the Court of Common Council not to adopt any plan of police which should remove the control over them from the Ward Authorities.[3] When the Bill was submitted to the Common Council the words directing the police to obey the lawful commands of the Lord Mayor or any of the Aldermen were expunged. Words of equivalent meaning were, somehow, again inserted in the Bill as it passed the House of Commons; and the Common Council indignantly resolved that steps should be taken to get them omitted in the House of Lords. In the end the centralising officials had their way, reporting that they could find no peer willing to move the amendment desired by the Court of Common Council. Thus the Ward organisation throughout the whole century and a half, over practically all the range of its duties, was being steadily undermined and superseded.

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[1] Under Acts, 19 Charles II. c. 3 (1667); 22 and 23 Charles II. c. 17 (1670); 2 William and Mary, sess. 2, c. 8 (1690); 7 Anne, c. 9 (1708); 10 George II. c. 22 (1737); 17 George II. c. 29 (1744); 33 George II. c. 30 (1760). For the revolution in the actual work of civic administration, which the appointment and gradual development of this body really constituted, see the Report of the Commissioners of Sewers, 15th November 1765; Journals of Court of Common Council, 1765-6; House of Commons Journals, 17th and 27th January, 25th April 1766, and 23rd January 1771; 6 George III. c. 26 (1765), amended by 8 George III. c. 21 (1767), and 11 George III. c. 29 (1770); *History of London*, by W. Maitland, vol. ii. Appendix pp. 62-64, 148 of edition of 1775; *Complete History and Survey of London*, by H. Chamberlain, 1770, pp. 403-410; *History of London*, by H. Hunter, 1811, vol. i. pp. 722-726; *Modern History of the City of London*, by C. Welch, 1896, pp. 17-18.

[2] Petition from City Corporation, House of Commons Journals, 17th January 1766.

[3] Report of Commissioners of Sewers to Court of Common Council, 15th November 1765.

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[1] Journals of the Court of Common Council, 26th October 1763.

[2] *Ibid.* 29th October 1788. In 1805 the 26 Wards had altogether 765 watchmen (*Modern London*, by Sir R. Phillips, 1805, p. 151).

[3] *History of London*, by H. Hunter, 1811, vol. i. p. 375.

Along with this general supersession of the Ward organisation by the centralised administration of the Court of Aldermen, the Court of Common Council, and the Commissioners of Sewers, the Freeman taking part in the life of the Ward would have noted a continuous diminution in the irresponsible conviviality of the Precinct Meeting and the Inquest. The customary "fines" which the Precinct Meetings had exacted, for excusing people from nomination, were, by degrees, interfered with, if not entirely stopped (after it had been vainly sought to divert them to the Wardmote), on the discovery that they were wholly illegal.[4] The Wardmotes themselves found themselves prevented from levying fines in lieu of service in Ward offices by an authoritative decision that no such practice was lawful. In 1767 a new clause was, by express direction of the Court of Aldermen, added to the Precept for holding Wardmotes, that no money be received to excuse any person from serving any Ward office.[1] The common practice of the Wardmote of accepting payments for substitutes, and returning the names of the substitutes instead of those for whom they were to serve, was peremptorily stopped by the Court of Aldermen.[2] The money was not to pass into the Ward funds or be received by the Wardmote; but was to be either paid direct to the substitute or deposited with the Deputy of the Ward, who habitually paid the Watchmen.[3] Thus, the mere "Ward politician," who had risen no higher than the Precinct Meeting or the Wardmote, and attained no greater dignity than Foreman of the Inquest, found, as decade succeeded decade, his

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[1] MS. Records, Dowgate Ward, 31st October 1827.

[2] *Modern History of the City of London*, by C. Welch, 1896, p. 169.

[3] MS. Records, Dowgate Ward, 20th May 1833.

[4] In 1753 an Act of Common Council superseded the archaic oaths of office for Constables, Inquestmen, and Scavengers—to which many citizens objected—

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and substituted unobjectionable forms which no one needed to avoid by a fine (*History of London*, by W. Maitland, 1756, vol. i. p. 708). In the Ward of Farringdon Within an organised attempt was made in 1761 to transfer the fines from the Precinct to the Ward; but the motion that "for this year and the time to come the fines received for excusing persons serving Ward offices be applied for the general benefit of the Ward, and not for the benefit of any particular Precinct or Parish," was not carried (MS. Records, Ward of Farringdon Within, 21st December 1761). In 1769, in Bishopsgate Ward, R. W. "had his fine for all Ward offices returned him which he had paid at the Precinct Meeting . . . and the Alderman declared that no fine should be received for any Ward offices, as he adjudged them to be illegal and contrary to law" (MS. Records, Bishopsgate Ward, 21st December 1769). No "fines" for being excused from nomination are recorded in the Precinct Meeting Book of St. Gabriel's, Fenchurch (Langbourn Ward), after 1760.

[1] Repertories, vol. clxxii. p. 11 (1767). "Whereas it has been usual and customary in several of the Wards of this City to receive fines of persons to be excused serving Ward offices, but the same being deemed unjustifiable and illegal, you are hereby required to take care that for the future no money shall be received to excuse any person or persons from serving any Ward offices within your Ward, but that all persons elected thereto shall serve by themselves or their approved deputies, unless excused, without fine, for good cause, by the sound discretion of the Wardmote and Court of Aldermen" (Special Precepts to the Aldermen of the Wards of Walbrook and Vintry, Journals of Court of Common Hall, 19th January 1819 and 1st February 1825).

[2] "Ordered that a Nota Bene or Memorandum be sent to every Alderman with his Precept for holding a Wardmote, to take especial care . . . that no deputy Constable be returned, but only such persons as are actually chosen at the Wardmote to serve in their own right and turn and none others" (Repertories, vol. cxli (30th November 1736).

[3] "Resolved that in future every housekeeper on nominating his substitute for Constable shall pay into the hands of the Deputy the whole sum agreed on between the Principal and substitute, which shall be paid to the substitute one quarter in advance" (MS. Records, Cheap Ward, 21st December 1790).

patronage and his influence dwindling away. But notwithstanding this shrinkage of the Inquest and the Wardmote, they still furnished fields for successful local intrigue. The Wardmote still retained the final voice in filling vacancies in the paid offices of Ward Clerk, Ward Beadle, and Collector of Rates; it still appointed the Ward Inquest; its recommendation to the Alderman was still influential in securing the public-house licences which had become more valuable than ever; it still annually chose the Common Councillors, and once in a lifetime the Aldermen; and it remained, therefore, the centre of considerable local influence. Moreover, as the Wardmote lost its administrative functions, it took on more and more the character of a forum for the expression of public opinion on the topics of the day. The Radical Ward of Bishopsgate, between 1815 and 1835, is found perpetually passing resolutions in favour of Parliamentary reform,[1] against the gas monopoly,[2] denouncing the extravagant feasting of the Corporation, or its sale of offices,[3] resisting the attempts "of a venal magistrate to deprive the Livery of London of the constitutional privilege of discussing public grievances,"[4] demanding an inquiry into the Corporation funds,[5] and vigorously supporting the Municipal Corporations Bill.[6] On the other hand, we see the Wardmote of the more religious-minded Ward of Lime Street protesting against the mild concessions of 1779-1780 to the Roman Catholics, and censuring the Court of Common Council for refusing to vote £500 to the National Society for the Education of the Poor in the principles of the Church of England.[7] What was more general was the loudly expressed objection of the Wardmotes to any kind of taxation, whether the detested "Property and Income Tax,"[8] any new rate,[9] the "duty on retail shops,"[10] the tax on coals carried coastwise,[1] or any increase in the assessed taxes.[2] All this political activity made the City Wardmotes serve, during the first part of the nineteenth century, as opportunities for the active Ward politician to insinuate himself, and to accumulate the local influence which would promote his subsequent candidature for a vacancy among the Common Councilmen or one of the innumerable minor offices of the Corporation. But with the progressive transformation of the City from a place of retail to one of wholesale trade, and the dwindling of the resident population as more and more citizens took to residing in the suburbs, both the number and the status of the regular attendants steadily declined. The Precinct Meetings in most Wards dwindled down to nothing at all, and they were in many cases formally abandoned.[3] The ancient Wardmote itself, the immemorial assembly of all the inhabitants paying scot and bearing lot, which had once filled to overflowing the chancel of the neighbouring church,[4] and exercised a real power in enforcing on every householder the fulfilment of his personal obligations to the community, sank to a sparsely attended and almost formal meeting of a few officeholders and their friends, for the re-election of the Ward Officers, or to a "hole and corner" adjournment to the neighbouring public-house, where the would-be Common Councilman ingratiated himself among the dwindling number of little shopkeepers who still lived in the Ward.

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[1] MS. Records, Bishopsgate Ward, 27th January 1817, 17th January, 5th March, 23rd September, and 11th October 1831.

[2] *Ibid.* 24th December 1827.

[3] *Ibid.* 21st December 1815, 4th February 1819.

[4] *Ibid.* 23rd December 1820.

[5] *Ibid.* 21st December 1830.

[6] *Ibid.* 18th August 1835.

[7] *Ibid.* Lime Street Ward, 30th May 1780 and 20th February 1812.

[8] *Ibid.* Dowgate Ward, 21st and 30th December 1814, 29th February 1816.

[9] *Ibid.* Bishopsgate Ward, 12th May 1829.

[10] *Ibid.* Lime Street Ward, 21st December 1787, and Broad Street Ward, 21st December 1787. This tax, imposed in 1785, was specially obnoxious to

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the City, which at that date contained a larger proportion of all the retail shops of the Kingdom than we can now easily realise. It was repealed in 1789 (*London and the Kingdom*, by R. R. Sharpe, 1894, vol. iii. pp. 209-212; *Modern History of the City of London*, by C. Welch, 1896, p. 70).

[1] MS. Records, Lime Street Ward, 22nd December 1823.

[2] Ward of Farringdon Without in 1797 (*Modern History of the City of London*, by C. Welch, 1896, p. 96).

[3] Between 1790 and 1833 many Wards seem to have agreed, usually in Wardmote, either to drop the Precinct Meetings altogether, or to merge the smaller ones in joint meetings. Sometimes they were all held at successive hours on the same day at one central place. It is noteworthy, as showing how necessary it was considered to be to have some public meeting to decide on nominations, that some Wards decided to hold a single meeting for the whole Ward a few days before the Wardmote, for the express purpose of considering the nominations to be made. In some Wards, too, it had become customary, either instead of these meetings, or sometimes in preparation for them, to hold private meetings of the officers only, who arranged the nominations (Second Report of Municipal Corporation Commission, 1837, pp. 137-153).

[4] In 1740 (*A Journal of the Shrievalty of Richard Hoare, 1740-41*, edited by Sir R. C. Hoare, 1815, p. 47).

The Court of Common Hall

An enterprising Freeman of London would become conscious at an early stage in his career that merely being free of the City and of his Company, even when coupled with residence and active citizenship in one of the Wards, did not entitle him to participate in some of the more conspicuous parts of the government of the City. As a Freeman householder he was not able to attend the Court of Common Hall,[1] where a mass meeting of citizens of a higher grade annually elected the Lord Mayor, the two Sheriffs, the four Auditors of the Corporation Accounts and the four Aleconners; occasionally filled vacancies in the lucrative offices of Chamberlain and Bridgemasters; and periodically returned four members to represent the City in the House of Commons. Moreover, if the Freeman ceased to be a City householder—perhaps because his retirement from business or his increasing wealth caused the removal of his household to a pleasant suburb—his mere Freedom did not prevent the loss of all connection with City government. The same increase in wealth would make him cast longing eyes on the social intercourse and advancement to be gained in the Company of which he was free. He would therefore pay another fee for admission to the higher grade of "the livery" or "clothing" of his Company; becoming thus one of a body of some eight or ten thousand Liverymen in whom alone, wherever they resided, the highest franchises of the City were vested.[1] We need not attempt to follow a new Liveryman in the internal affairs of his Company, where he would quickly discover that, beyond a few dinners and the right to charitable relief if impecunious, the advantages of the Companies were mainly reserved for the members and friends of the governing families, who alone were admitted to the Courts of Assistants in whom the entire administration was vested.[2] But the

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[1] It is not clear how this Court of Common Hall came into existence, nor how it came to differ from the open meeting of all the Freemen that we so often find in English Municipal Corporations of the sixteenth century, and occasionally surviving until the nineteenth. In 1419 there was a Folkmoot, held three times a year at the East end of St. Paul's Churchyard, by sound of "the moot-bell," at one of the meetings of which the Sheriffs were chosen (*Liber Albus*, by H. T. Riley, 1861, p. 105). A popular Assembly, open to all the Freemen, existed in London in what is called the Court of Hustings (properly Husting), which became a mere law court for certain limited purposes, now obsolete ("Of Courts of Hustings," in *Liber Albus*, by H. T. Riley, 1861, pp. 162-170; *Calendar of Wills proved and enrolled in the Court of Husting, London*, by R. R. Sharpe, 1889, vol. i. Introduction). It is significant that, to this day, the new Lord Mayor chosen by the Liverymen on the 29th of September, after the approval of his election by the King has been signified by the Lord Chancellor, is admitted and sworn into office "at a Court of Hustings at which all the Freemen of London may attend" (Second Report of Municipal Corporation Commission, 1837, p. 30), and which is held at the Guildhall on the 8th of November. So, too, the newly chosen Sheriffs were admitted "at a Court of Hustings." Moreover, the Court of Common Hall is repeatedly called a Court of Hustings (see, for instance, *A Journal of the Shrievalty of Richard Hoare, 1740-41*, edited by Sir R. C. Hoare, 1815, p. 6; and *History of London*, by W. Maitland, vol. i. pp. 618, 682, 686 of edition of 1756). Courts of Husting existed also at Winchester, Oxford, York, Lincoln, Norwich, and Great Yarmouth. It is impossible not to hazard the suggestion that the Court of Common Hall and Court of Husting may have been originally one and the same Folkmoot, or common meeting of Freemen, the latter becoming merely a legal tribunal held once a week by the high civic dignitaries, which the Freemen ceased to attend. Those of its meetings which had to elect officers may have remained popular assemblies under the name of Common Hall. As the number of Freemen increased, various experiments for making some selection are recorded. In 1650, for instance, when the Companies claimed to control the elections, the Court of Common Council decided (by its Act of November 1650) that the elections in Common Hall should be by the Alderman and Common Councilmen of each Ward, "and the like number of other honest men of each Ward to be chosen yearly for that purpose in the Wardmote" (see *The Corporation of London as it is and as it should be*, by W. Carpenter, 1847, p. 29). In 1695, after many contentions, another Act of the Court of Common Council settled that the electors at the Court of Common Hall were to consist only of the Liverymen (21st June 1695; *History of London*, by W. Maitland, vol. i. pp. 499-500 of edition of 1756); and this was confirmed by the City Elections Act, 1725. For the whole controversy, see *The Nature of a Common Hall briefly stated*,

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1682; *The Rights and Authority of the Commons of the City of London in their Common Hall assembled*, 1695; *An Act of Common Council for settling the methods of calling, adjourning, and dissolving the Common Halls*, 1695; *A Defence of the sole and Corporate and deliberate Rights and Franchises of . . . Common Hall*, by William Stone, 1797; and *The Evidence and Arguments before the Committee for General Purposes in support of the Elective Franchise of the Resident Freemen of London*, by J. Newell, 1830.

[1] We know of no parallel in other Municipal Corporations to the distinction made in London between the Liverymen and the mere Freemen of the Companies; though the distinction between the Burgesses and the Free Brethren of Morpeth, and that between the Freemen and the Free Citizens of Coventry, appear somewhat analogous. The estimated number of Liverymen of the City of London in 1501 was 1458 (out of a population which may have reached 60,000); in 1725 it was 8514 (out of an estimated population of 150,000); and in 1832 it was 12,080 (out of a population in 1831 of 122,395); see Report to the Court of Common Council from the Committee appointed in relation to the Act of Parliament for regulating elections, 19th December 1833. Unofficial printed lists of the Liverymen, in the form of poll-books, exist from 1700 onwards; and as distinct publications with addresses from 1776 onwards.

[2] See, for instance, the extent to which the Court of the Mercers' Company was, in 1835, monopolised by no fewer than forty-two members of only eight families (*The Corporation of London*, by W. Carpenter, 1847, p. 43).

Liverymen found themselves periodically summoned by the Masters of their several Companies, in pursuance of a Precept from the Lord Mayor, very early in the morning "to come habited in their best Livery gowns and hoods"; assemble at the ancient Hall of their Company; follow their Master and Wardens in solemn procession "in company from their Common Hall to the Guildhall by eight of the clock in the morning, and thence to the parish church of St. Lawrence Jewry, there to hear Divine Service, and afterwards to return to the Guildhall, for the election of the Lord Mayor for the year ensuing."[1]

On occasions of sufficient interest the great Guildhall would be filled by a crowd of Liverymen, and even of citizens who were not Liverymen. For the first quarter of the eighteenth century—indeed, until the point was definitely settled by the City Elections Act of 1725—it was not very easy to prove that the mere Freeman had no right as such to vote, or even to be present, in Common Hall, and the meetings would degenerate into disorderly mobs. It could even be alleged in 1724—almost in the same words as it had been alleged in 1715—that "at the elections by the Liverymen numbers of people that have no right to vote break in with noise and violence upon the legal electors and poll in their own or borrowed names, and personate absent electors as often as they think they may without being detected; and at the late election of a Sheriff . . . many hundreds appear to have polled without any colour of right; and at the preceding election, even the Sheriffs of London, without example, concealed the numbers of the poll for each candidate, though the Liverymen several times demanded the same."[2] We accordingly see the Court of Aldermen vainly directing that "all persons not being Liverymen" should be excluded;[3] and the Lord Mayor insisting that, "as members of Companies not of the Livery had presumed to attend Common Hall and vote," Liverymen must henceforth come in "their gowns and hoods according to the ancient custom of the City," none who were not so attired being admitted.[1] Latterly, more drastic methods of exclusion had to be resorted to, and the Court of Common Council, amid the excitements of 1774, sanctioned the expenditure of £123 to carry out the ingenious plan of one of its members, in accordance with which a wooden fence was erected in Guildhall yard, provided with thirty-four separate doors, each designed for the admission, one at a time, of the Liverymen of certain designated Companies, and guarded by the Beadles of those Companies, who scrutinised every person who sought to enter. A thirty-fifth door was provided for the Lord Mayor and Aldermen, who also had a right to be present.[2]

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[1] MS. Precept of Lord Mayor to the Masters of Companies, in Journals of Common Hall, seventeenth and eighteenth centuries.

[2] Petition from citizens of London, in House of Commons Journals, vol. xx. p. 363, 16th December 1724; see previous petition to the Crown in 1715, Home Office Domestic State Papers in Public Record Office (vol. iv. of 1715).

[3] MS. Repertories, vol. xcv. 26th May 1690.

The election of the Lord Mayor and Sheriffs was, in most years, a merely formal proceeding, as the two senior Aldermen were habitually chosen to be presented to the Court of Aldermen for one of them to be appointed to the former position; and as the one Alderman and the one simple Freeman whom custom required to be elected to the latter had always been prearranged. But this was not always the case. Our Liveryman might have heard tales of the intense struggle in 1682, when a servile Lord Mayor had, in the Royal interests, striven to appoint partisan Sheriffs, and denied to Common Hall anything more than the empty privilege of confirming his choice.[3] Again, in 1739, for instance, amid the political excitement of the coming war with Spain, and the opposition to Sir Robert Walpole, a Liveryman would have found the occasion anything but a tame one. The "great office," we are told, "had for several years been suffered to go, for the sake of peace, by rotation. Those in course were Sir George Champion and Sir John Salter; but the former, being a member of Parliament for Aylesbury, and having voted

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[1] MS. Precept of Lord Mayor to Masters of Companies, in Journals of Common Hall.

[2] Journals of Common Council, 3rd March 1774 and 27th September 1776; Precept of Lord Mayor to Masters of Companies to send the Beadle of the Company, who was to place himself "at the door of his station" and prevent the entry of any but Liverymen. In 1772 the Carpenters' Company distributed silver medals to its Liverymen, as tickets of admission to Common Hall; and other Companies followed this example (*Modern History of the City of London*, by C. Welch, 1896, p. 39).

[3] *History of London*, by W. Maitland, vol. i. pp. 473-475 of edition of 1756.

(as said, through influence) for approving the Convention, great zeal was used to set him aside, and return Sir John Salter and Sir Robert Godschall. Several meetings were held for this purpose, and many advertisements inserted in the daily papers, to animate the Livery to assert their ancient right of a free choice, and drop the modern absurd practice of rotation. And they had such effect that Sir George Champion was thrown out by a very great majority, and the two other gentlemen returned. . . . Guildhall was very much crowded . . . it must have contained 7776 persons, nearly the whole Livery."[1] So, again, in the three years 1751-1753, and in the ten years 1766-1775, the excitement of the political struggles between the Corporation and the Court led to determined contests, which were really struggles between the Court of Aldermen, seeking, as Junius[2] declared, to "insist upon a rule of rotation, which excludes all idea of election," and the popular voice of the City, which strove to substitute an enemy of the Court policy.[3] But the keenest of all these contests took place after the rejection of the first Reform Bill in 1831, when Common Hall desired to re-elect Sir John Key, the ardent Whig reformer, who had in the previous year given the fateful warning to William IV. not to attend the Guildhall banquet, whilst the Court of Aldermen sought to maintain the practice of rotation, which would have brought in a Tory. Our Liveryman would then have had the unprecedented experience of taking part in three successive contests within three months, crowded meetings at the Guildhall being followed each time by a seven days' poll, and the return of the popular favourites; upon which the Court of Aldermen at last gave way.[4]

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[1] *Gentleman's Magazine*, September 1739, p. 495; *History of London*, by W. Maitland, vol. i. pp. 599-604 of edition of 1756.

[2] *Letters of Junius*, "To the Livery of London" (p. 146, vol. ii. of edition of 1819).

[3] Birkbeck Hill's edition of Boswell's *Life of Johnson*, 1887, vol. iii. pp. 459-460.

[4] Journals of Common Hall, vol. x. September, October, and November 1831; *Narrative of the Proceedings arising out of the three contested elections for Lord Mayor of the City of London in September, October, and November 1831*, by Charles Wallis, 1831. In order to defeat the Court of Aldermen, the Court of Common Hall persisted in returning, along with the retiring Lord Mayor, the name of a junior Alderman, to the exclusion of the Alderman next in rotation. When the Court of Aldermen chose the junior he promptly refused to serve, and so necessitated a further contest. It should be said, in fairness to the Court

The election of the four members of Parliament for the City, even in the least exciting times, provoked more controversy than the annual choice of Lord Mayor and Sheriffs. But the actual polling, though nominally a part of the proceedings of Common Hall, lasted many days, and was not really part of the meeting itself. Though we find formal "instructions" from the citizens recorded as handed to the newly elected members, these instructions do not, at this date, seem to have been often the subject of motion and discussion at Common Hall.[1] Nor was it, perhaps, until after 1769 that the mass meeting of several thousands of men of property definitely took up the position of regarding the representatives of the City in the House of Commons as merely the delegates of Common Hall, bound to obey its very precise instructions. They were "unequivocally" to forgo any independent exercise of opinion; to promise to obey any instructions that Common Hall might give; and to resign their seats if they felt unable to carry out this pledge.[2] In 1774 they had to sign a specific "engagement" to the like effect, binding them, in addition, never to accept, from Crown or Ministry, "any place, pension, contract, title, gratuity, or emolument of any kind."[3]

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of Aldermen, that re-election had been extremely rare. In the thirteenth and fourteenth centuries, it is true, the Lord Mayor was often re-elected for a further term; but after 1386 no such case occurred until 1690, and then none occurred until that of (Sir) Matthew Wood in 1816 (*Civic Honours, or a Succinct Historical Display . . . of the Chief Magistrate, etc.*, 1816, p. 12).

[1] "Papers of instructions" appear to have been handed to the newly elected members in 1696, 1701, 1715, 1741, and 1742, when they may have been read in Common Hall and (as we know happened in 1739) speeches may have been made about them. But it does not seem to be formally recorded that resolutions (other than those declaring persons elected) were formally made, put to the meeting and passed before 1769 (Journals of Common Hall, 1718-1769; *History of London*, by W. Maitland, vol. i. pp. 500, 502, 518, 619, 628 of edition of 1756).

[2] "Resolved that, the representatives in Parliament being elected, not for their own private advantage or emolument, but to guard and maintain the rights, liberties, and prosperity of those who elect them, it is therefore their bounden duty not to set up their own opinions or interests in opposition to the opinions and interests of their constituents, but upon all occasions to obey their instructions. Resolved that it is an indispensable duty which we owe to ourselves and to our posterity to select such candidates whose abilities and independence will afford us the best security against the recurrence of those evils which have arisen for want of a due circumspection in the delegation of this most sacred trust. Resolved that the respective candidates be required unequivocally to declare their readiness at all times to obey the instructions of their constituents in Common Hall assembled, or to resign their trust" (Journals of Common Hall, vol. ix. 5th July 1802).

[3] Journals of Common Hall, 24th June 1774 (vol. viii. p. 183).

Whether or not our Liveryman approved of the opinions expressed in Common Hall, we may assume that he would, at any rate at first, feel some interest in asserting the claim of this assembly of the Liverymen to be itself the Corporation. He would find, indeed, that the right of Common Hall to discuss any motion or to do any business at all, beyond electing particular persons to particular offices, was hotly contested by the other civic authorities, and that its claim to be the mouthpiece of the City was deemed an entirely unconstitutional usurpation. When in 1739, after the Lord Mayor had been elected, a motion was made condemning "the late Convention with Spain," and another demanding the repeal of the Aldermanic veto called "the Negative" (which we shall presently describe), the Lord Mayor refused to put the questions, alleging that any such discussions were without precedent, and that the legitimate business of Common Hall was ended with the elections. This gave rise to much controversy; and although two isolated precedents were subsequently produced, it is clear that the uninterrupted practice of at least half a century was as the Lord Mayor had stated.[1] Thirty years later, when the claim of Common Hall for the free discussion of anything interesting to the City was again made, it was not so easily disposed of. The quarrel about Wilkes was at its height, and both the political feelings and the civic pride of the City had been wounded by the attempt to enforce, by the arrest of a citizen within its Liberties, a mere general warrant of the Secretary of State. When our Liveryman had pressed his way into the densely crowded Common Hall, which met on the 24th of June 1769, he would at once have perceived that, whatever might be the strict law on the subject, it was impossible to prevent so large and so excited a meeting from denouncing the conduct of Ministers and adopting a petition to the King. We need not follow the course of the angry controversy that ensued, nor describe the successive meetings in which Common Hall carried on its struggle against the King's Ministry. The excited Liverymen used to meet informally at the Half Moon Tavern, a few days before Common Hall, and at these crowded meetings, after the hottest of speeches, the forms of resolutions would be agreed to, which were to be moved and unanimously carried at Common Hall.[1] From this time forth, in spite of the protests of the Courts of several Companies,[2] and the hostility of the Court of Aldermen, if not also of the Court of Common Council, Common Hall arrogated to itself the right of voicing the opinion of the City of London on all the questions of the day. In 1775 the Liverymen were summoned to a special meeting of Common Hall for denouncing the measures that were being taken against the rebellious American colonists, and for supporting Chatham and Burke, in terms so insolent and so disloyal that the King indignantly refused to recognise the right of Common Hall to approach the Throne; and the Lord Chamberlain was directed to announce that petitions from the City Corporation could henceforth be received on the Throne only from the Lord Mayor, Aldermen, and Commonalty, in their ancient Courts of Aldermen and Common Council. For the next sixty years the voice of the City, as expressed in Common Hall, was in violent opposition to the Court; and except for brief periods, when it could support Chatham, Burke, or Pitt, Common Hall was to be reckoned with as periodically denouncing the extravagance, the incapacity, and total lack of patriotism shown by His Majesty's Ministers; now and again urging their dismissal, if not their impeachment;[1] demanding triennial and even annual Parliaments,[2] the "exclusion of placemen" and the "fair and equal representation of the People";[3] objecting to Fox's India Bill,[4] to any opening of the trade with the East Indies to any other ports, to the "proposed tax on receipts,"[5] to any extension of the Excise,[6] to the Income Tax,[7] to an increase in the Assessed Taxes,[8] and, indeed, to almost every tax that could be proposed; standing up for Queen Caroline;[9] and finally demonstrating wildly in favour of Reform—the Bill, the whole Bill, and nothing but the Bill.[10]

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[1] In 1681, on the re-election of the existing members of Parliament, Common Hall had tendered them its thanks in an argumentative paper publicly read and approved by resolution, and a similar paper was ordered to be transmitted to certain peers. Again, in 1689, Common Hall, after electing the Sheriffs, had decided to petition the House of Commons. See *Reasons offered to the consideration of the worthy Citizens of London for continuing the present Lord Mayor, etc.*, 1738; *An Address to the Liverymen of London relating to . . . the ensuing election of Mayor*, 1739; *Serious Considerations on the ensuing election for Lord Mayor*, by J. W., 1739; *A Narrative of what passed in the Common Hall . . . September and October* 1739; *The Conduct of the Liverymen . . . justified*, 1739; *The Proceedings of the Court of Hustings and Common Hall*, etc., by a Liveryman who was Present, 1739; *An Impartial Relation of the Proceedings, etc.*, 1740.

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[1] The decisions of these meetings at the Half Moon Tavern were not only openly stated in Common Hall, but were even referred to in its formal minutes; see Journals of Common Hall, 1773-1776.

[2] See for the protest of the Courts of the Goldsmiths', Weavers', and Grocers' Companies, Journals of Common Hall, 10th April and 12th October 1770 and 24th June 1771 (vol. viii. pp. 153-154), and *Modern History of the City of London*, by C. Welch, 1896, p. 31). The Courts of these Companies complained that the petition adopted by Common Hall, in the names of the Liverymen of their Companies among others, was "a most indecent remonstrance"; and they directed the Masters not again to obey the Lord Mayor's precept, summoning an extraordinary meeting of Common Hall, without their consent. But Common Hall got counsel's opinion in support of the right of the Lord Mayor to summon Common Hall whenever he thought fit, and of the obligation of the Masters of the Companies to obey his precept—ordering, indeed, the Common Serjeant to file criminal informations against the disobedient Masters. The Common Council upheld the action of the Lord Mayor (Journals of the Court of Common Council, 1770). An action brought by Alderman Plumbe of the Goldsmiths' Company in 1773 was at first decided in favour of the contention of Common Hall. But this was reversed in 1775, and the Lord Mayor was not afterwards able to compel the Masters of Companies to summon, or the Liverymen to attend, any meetings of Common Hall other than those for regular election purposes (*The Lawyers' Magazine*, 1773; *Modern History of the City of London*, by C. Welch, 1896, p. 43). It should be said that the meeting of 24th June 1769 appears to be the first of which it is recorded in the Journals that other than the regular business of elections was performed; though (as already mentioned) there seem to have been resolutions passed in 1681 and 1689. In spite of the paucity of precedent, the Recorder gave the opinion in 1773 that Common Hall had a right to consider "any matter of public grievance." From March 1773 the Lord Mayor's precept summoning Common Hall occasionally gave, as the business to be done, something other than the regular elections; and special meetings began to be held.

The Liverymen in Common Hall assembled were not content with the position, which they had won in 1769, of being one of the mouthpieces of City opinion in matters political.[11] We see them, first in 1784, then in 1788 and again in 1829, insisting on their right to control the expenditure of the Corporate funds. It was the undoubted privilege of Common Hall to elect the four Auditors, and after the matter had received attention in 1783, a special meeting was summoned in 1784 to consider how this power could be more effectually exercised. It was on this occasion that the four Auditors insisted "on the eminence on which the Livery stand" and "their ancient and just rights and privileges" with regard to "the City and Bridgemasters' accounts"; and compelled the Court of Common Council to confer with them "on the hustings at the Guildhall at twelve noon precisely," in order to justify certain items of their expenditure.[1] The lengthy report on the City finances, which was presented to Common Hall in 1788, exposed various irregularities and laxities of procedure, and called loudly for reform.[2] This point was taken up again in 1829, when the notorious Henry Hunt had got himself elected as Auditor,[3] and was made the subject for constant recrimination for the next few years, during which the salaries of the Corporation officers were objected to;[4] various items of extravagance were denounced; the conduct of the Secondaries was impeached,[5] and Common Hall even claimed to give orders to the Chamberlain, as to the procedure to be followed in paying future bills.[6] All this was, however, a matter of words only. The Court of Common Hall might criticise and denounce, but its resolutions were of no executive force in the Corporation affairs, and had no real influence in Parliament.

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[1] Journals of Common Hall, vol. viii. pp. 144-147.

[2] *Ibid.* vol. viii. pp. 174, 176, etc.

[3] *Ibid.* vol. viii. pp. 183, 252, etc.

[4] *Ibid.* vol. viii. p. 245.

[5] *Ibid.* vol. viii. pp. 239-240.

[6] *Ibid.* vol. ix. 24th June 1789.

[7] *Ibid.* vol. ix.; see also 18th March and 5th July 1802 and 1803.

[8] *Ibid.* vol. ix. 1797.

[9] *Ibid.* vol. x. 19th November 1819, 15th December 1820, 29th January 1821.

[10] *Ibid.* vol. x. 7th March and 8th October 1831.

[11] In 1783 Common Hall claimed to elect to the offices of City Marshal and Water Bailiff, a claim successfully resisted by the Court of Common Council (*Modern History of the City of London*, by C. Welch, 1896, p. 68).

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[1] Journals of Common Hall, vol. viii. pp. 242-243; *Report of the Committee of the Court of Common Council of the City of London appointed 1st July 1784, to inquire into the assertions lately circulated respecting the affairs of this Corporation.*

[2] Journals of Common Hall, vol. viii. pp. 268-273.

[3] *Ibid.* vol. x. 24th June 1829.

[4] *Ibid.* vol. x. 24th June 1830, 24th June 1834.

[5] *Ibid.* vol. x. 1st December 1827.

[6] *Ibid.* vol. x. 24th June 1833, 24th June 1834; Journals of the Court of Common Council, 19th July 1833 and 30th January 1834. See also Second Report of Municipal Corporation Commission, 1837, p. 106, and Report and Evidence of Commission of 1854, p. 43. This audit by the nominees of Common Hall was (and remains to this day) the only audit to which the Corporation accounts were subjected. A sum of £150 was allotted for the expenses of the Auditors, a large part of which was always spent in tavern bills. It was alleged in 1854 that the election had long been practically bought by a little knot of men who took it in turns to get the remuneration, by the payment of £10 to the crowd of "shilling and half-crown men, who decide all questions at Common Hall which are not of sufficient importance to be taken to a poll."

The Court of Common Council

Meanwhile our Liveryman, impressed with the futility of the proceedings of the Court of Common Hall, would, if he were desirous of figuring in the real government of the City, turn again, with increased assiduity, to the cultivation of "Ward politics," with the intention of getting elected to the Court of Common Council. For, as he would have discovered, it was the Court of Common Council, with its standing committees, that managed the property, dispensed the contracts, and levied the taxes—in short, handled the ever-increasing income of the Corporation. He would not, however, seek admission to the Common Council with any notion of associating with his social superiors. The habitual attendants at the Precinct Meetings, who in combination dominated the Wardmote, naturally chose one of themselves to represent the Precinct on the Common Council. They were, in fact, confined in their choice to householders in the particular Ward concerned;[1] and they chose with such disregard of wealth or social position, that the Court of Aldermen, "to prevent disreputation and scandal to the authority of the City, . . . divers persons of no great repute having been chosen to represent some of the Precincts," had found it necessary, in the latter part of the seventeenth century, to forbid the Wardmotes to elect as a Common Councilman any Freeman "who has been convicted of defrauding in weights, measures, or such-like crimes, or any person who has compounded through inability to pay his debts."[2] Hence, throughout the whole century and a half, the Common Councillor would find his couple of hundred colleagues made up, almost entirely, of the retail shopkeepers of the narrow streets and lanes converging on the Guildhall; or of the old-fashioned master-craftsmen whose workrooms and sale counters still lingered within the City boundaries; together with a dozen or two of the apothecaries, surgeons, and petty attorneys who dwelt among them.[1] Nor did the status of the Councillors improve. In 1765 it could be said that "the Corporation of London, though the greatest in the British Dominions on account of its opulence, is far from being the greatest with respect to the conditions or capacities of its various members. The Common Council particularly, though they have the principal management of all the City business, are seldom composed of the principal citizens. Here and there, indeed, we find a man of sense and fortune chosen into the office, but in general those people who are most capable of filling it with real weight think themselves considerably above it; by this means the employment descends to the very lowest artizans."[2] Thus it came about that, when towards the close of the eighteenth century the commerce and financial operations of the City had grown to enormous magnitude, the Common Councillor would have found among his colleagues hardly any of the bankers or great shipowners, hardly any of the wealthy stockbrokers or merchant princes, who represented the business and wealth in which the City of London had become pre-eminent. In 1833, we are told, the Common Councillors were "generally respectable retail tradesmen, or persons belonging to the same rank in life, including attorneys in many instances. . . . The Freemen householders, who alone can be elected, do not, generally speaking, comprehend the higher class of merchants. Besides this, . . . those of the higher class who are capable of being elected are unwilling to serve."[3] A few years later the same criticism was expressed with less official restraint. "As none of the bankers or merchants of London condescend to hold office, or in any manner identify themselves with Corporation affairs, the Court of Common Council is principally composed of vulgar, rich shopkeepers, hungry office-seekers, brawling patriots, and needy lawyers."[1] Both in its electorate and in its membership the Court of Common Council remained, from 1689 to 1835, specially representative of what would now be termed the lower middle class.

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[1] By resolutions of the Court of Aldermen of 1710 and the Court of Common Council of 1716, "both being declaratory of an ancient custom, no person can be elected Common Councilman for any Ward who is not a householder of that Ward" (*The Laws, Customs, etc., of London*, by A. Pulling, 1854, p. 40; Second Report of Municipal Corporation Commissioners, 1837, p. 34).

[2] *History of London*, by W. Maitland, 1756, vol. i. p. 462.

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[1] In 1739, when the Court of Common Council was exciting great resentment by its opposition to the Ministry, a list of its members and their occupations was widely circulated, in order to discredit their pretensions. The Council at that date appears to have included 26 haberdashers and linen drapers, 14 druggists and apothecaries, 6 bakers and confectioners, 8 carpenters, cabinet-makers, masons and bricklayers, 2 cheesemongers, 2 costermongers, 5 grocers, 4 colourmen, 5 vintners, 3 plumbers, 7 coopers, and about 70 other tradesmen and artificers; whilst there were only 4 bankers, 7 attorneys, 3 distillers, 1 brewer, 1 broker, 7 surgeons, 1 goldsmith, and half a dozen merchants (*Daily Gazetteer*, 2nd March 1739). In answer to this attack, the *Gentleman's Magazine* pleaded that, though the members "may now and then stand behind a counter . . . most of them are either exporters themselves or deal with merchants who are exporters," and are thus qualified to express an opinion on international trade (*Gentleman's Magazine*, March 1739, p. 131).

[2] *Gentleman's Magazine*, September 1765, p. 427.

[3] Second Report of Municipal Corporation Commissioners, 1837, p. 35.

The Court of Common Council was, however, not entirely made up of the couple of hundred Common Councilmen annually elected by the several Wards. There sat, as members, also the Lord Mayor and the twenty-five other Aldermen; so that a newly elected Common Councillor would have found himself a member of the largest legally constituted deliberative assembly outside the Houses of Parliament. He would have been struck with the elaborateness of its procedure, and even with a certain dignity in its ceremonial, without which, indeed, so numerous an assembly would have degenerated into a helpless mob. Its members attended in their gowns—at first, in all the varieties of the liveries of the several Companies to which they practically all belonged, but, from 1761 onward, in gowns of uniform "Mazarine" blue silk, trimmed with fur.[2] There was indeed a certain mimicry of Parliament about the proceedings. The mace was solemnly placed on the table in front of the Lord Mayor, and the sitting was suspended if and when the Lord Mayor chose to leave the chair, which involved the removal of the mace. Alone amongst English Municipalities the City had its "Orders of the Day," circulated to members before each meeting. The receipt of petitions praying for redress of grievances was a prominent feature at the opening of each sitting, the petitioners—whether the officers of Companies, Wardmotes or parishes, or merely individual citizens—appearing "at the bar of the House." All "Bills, By-laws, or Ordinances" had to be read three times and considered "in committee of the whole" before being passed. The "Acts" themselves, when passed, were, from the middle of the seventeenth century, often printed as separate documents, as if they were statutes of the realm, headed by the City arms, and authenticated by the signature of the Lord Mayor. All matters of any importance were referred for consideration to select or standing committees, and decisions were arrived at on receipt of formal reports. Like the House of Commons, too, the Court of Common Council had its "Journals," which it periodically caused to be searched for precedents.[1] Instead of any primitive system of "scratching," or an informal show of hands, all elections and appointments were made by ballot. The new Common Councillor would, however, quickly discover that the elaborate and punctilious procedure, which had filled him at first with a certain awe, was to be considered rather as a dress suit, worn for show, and often dispensed with. More important features in the new life to which he found himself committed were the questions that absorbed the attention of the Council, the character of the business to be transacted, and the methods, open and secret, used in the conduct of the multitudinous affairs of the City from decade to decade.

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[1] *The Necessity of Reforming the Corporation of London Demonstrated, etc.*, by a Citizen, 1843, p. 13. On the other hand, it is to be noted that the large class of wage-earning manual-workers, who formed the bulk of the Freemen at Liverpool, Coventry, Norwich, Ipswich, and Berwick, were conspicuously absent from the London electorate. Even such of them as were Freemen were excluded by its limitation to £10 householders. But only an ever-dwindling fraction of them were on the roll of Freemen. The London Companies were, during the eighteenth century, rapidly ceasing to be made up of persons engaged in the trades with which they were nominally connected; so that the persons claiming admission by birth or apprenticeship were hardly ever of the artizan class. Moreover, even such artizans as might have claimed their freedom in a Company seldom did so. That class had ceased to live within the City boundaries, and, as it could get no vote by taking up the freedom, and, after 1750 at any rate, few privileges of which it could make use, it ceased to pay the necessary fees; and so lost the hereditary connection with the Companies, by which alone it could have maintained its freedom of the City. A few skilled craftsmen always continued to be found among the Freemen of the Goldsmiths' and some other Companies. But the mere Freeman of a Company, who was not a Liveryman, had no practical connection with the City Corporation, or even with his Company, except that he was eligible, in case of poverty, for the Company's charities.

[2] In 1704 a "Commoner" and an Alderman were fined for sitting without their gowns (Journals of the Court of Common Council, 10th and 23rd May

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1704). In 1761 it was "resolved that so much of the Act of Common Council of 26th September 1620 as relates to the members of this Court coming to Common Council in their Livery gowns be repealed," and it was agreed that there should be a uniform gown of "plain Mazarine blue" silk, with "an addition of fur . . . to the sleeves" (*ibid.* 31st July and 21st August 1761).

[1] In the latter part of the eighteenth century the more important of the reports by officers or by committees were often printed. From 1811 the agendas and journals were regularly printed; and newspaper reporters were admitted to the meetings of the Court in the same year (Report and Evidence of Royal Commission on the City, 1854, p. 813).

During the reigns of William, Anne, and the first two Georges, an assiduous Common Councillor would take part in the fifty years' struggle for supremacy in the City government, between the "Commoners" and the Aldermen, whether within or without the Court. The turmoils of the Commonwealth, followed by the partisan struggles of the Restoration, had left both the legal constitution and the balance of power of the City government in uncertainty and confusion. The "Commoners" had, during the Commonwealth, arrogated to themselves supreme power,[1] whilst after the Restoration the magisterial authority of the Lord Mayor and his Aldermanic colleagues, which had become subservient to the Crown, had been used to nullify the popular aspirations of the Court of Common Council. With the exciting tale of revolution and counter-revolution between 1640 and 1689 we are not here concerned. But though the comprehensive statute of 1690[2] was supposed to have restored the government of the City upon its "ancient foundation," it had left the rights of the several parties, whether Commoners or Aldermen, Freemen or non-Freemen, ratepayers or non-residents, in a state of uncertainty. The Court of Common Council claimed to be an autonomous assembly, entitled to judge whether its own members were duly elected, entitled to decide upon the qualifications of the electors, entitled to govern the course of its own debates, and free to deliberate and legislate whether the Aldermen were or were not present at the Meeting or concurring in the decision of the Court as a whole. On the other hand, the Court of Aldermen asserted that, by immemorial custom, it had the right of trying the validity of all contested elections in the City, including those of Common Councilmen; that the Court of Common Council had no power to exclude particular classes from the franchise, either for Aldermen or Common Councilmen; that the Court could only deliberate whilst the Lord Mayor was in the chair, and hence could be at any moment instantly adjourned by his leaving the chair; and above all, that the legislative power of the City Corporation was not in the Common Councillors, but in "the Lord Mayor, Aldermen, and Commonalty," and that therefore the presence, and, indeed, the concurrence of the Lord Mayor and Aldermen was necessary to the validity of any legislative "Act of the Common Council."[1] What gave keenness and persistency to the struggle was that it coincided with the contemporary cleavage in national politics. The Common Councilmen, after the end of the seventeenth century, came to be predominantly Tory, High Church and even Jacobite in politics, as were, at least from 1710, a large part of the common people of the City; whilst the wealthy Aldermen had remained Whig, supporting the government of the families who had made the Revolution.

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[1] It is significant of the humble origin and early subordinate position of the Court of Common Council that it never had a summons of its own. John Carpenter tells us in 1419 that the summons was issued by the Mayor and Aldermen (*Liber Albus*, by H. T. Riley, 1861, p. 36). In the eighteenth century the summons was, in fact, always for a Court of Aldermen, and to this was added "*N.B.* a Common Council will be holden." This was still the form in 1847. The agenda was prepared by the Lord Mayor, and issued with the summons from the Mansion House, by his own officer—not from the Guildhall, by any Common Council officer (*Opinions of the Officers of the Corporation*, 1847; "Opinion of Mr. Common Serjeant," p. 3; see also pp. 45, 65).

[2] 2 William and Mary, sess. 1, c. 8.

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[1] The Aldermen claimed that "the negative voice of the Lord Mayor and Aldermen in making of by-laws in Common Council was never . . . called in question or objected to until the time of the unhappy trouble in the year 1644." The "negative" was expressly abolished by Parliamentary Ordinance of 1648, which was invalidated with the rest of the Commonwealth legislation at the Restoration. After the Restoration, the Aldermen seldom exercised their right of veto; but they did so in a case in 1674, and the legal advisers of the City, on being then consulted, upheld the right by four opinions to one—the Recorder alone dissenting. "No fair and impartial inquirer," say the Aldermen, "can believe or would represent" this officer "to have been unbiassed," as his own appointment depended on a Parliamentary Ordinance of no greater validity than that of 1648, which purported to abolish the veto, and which was passed "most probably by his advice" (Repertories, 1700-1724; Journals of the Court of Common Council, 1700-1724; *Report of a Committee of Aldermen in affirmance of the right of the Mayor and Aldermen to put a negative to Bills or Acts depending in the Common Council*, 1724; *a Letter to Mr. William Timms . . . containing an answer* [to the above], 1724). The dissentient seems, however, not to have been the Recorder (*London and the Kingdom*, by R. R. Sharpe, 1894, vol. ii. pp. 448-455). The Court of Aldermen had even gone so far in 1695 as to claim that the dates of meeting of "Common Councils ought to be appointed by the Court of Aldermen, and that a Court of Aldermen ought to be held before every Common Council, and nothing to be offered but what is debated and thought necessary by a full Court of Aldermen or a special committee, that the time and occasion being understood all the Aldermen may attend and be the better prepared to the matters to be there debated" (Repertories, vol. xcix. 18th June 1695). It had, in fact, been the regular custom in the sixteenth and seventeenth centuries, as we know by orders of 1544, 1642, 1669, and 1690, that "a Court of Aldermen was held before every Court of Common Council, in order that the Lord Mayor and the Aldermen might deliberate on all matters to be offered for the consideration of the Common Council" (*Opinions of the Officers of the Corporation, etc.*, 1847, pp. 3, 44, 64, 65). It was actually ordained, on the 12th June 1628, "that no matter was to be offered to the Common Council that had not been first debated, thought necessary and convenient by a full Court of Aldermen or a special committee" (Repertories, vol. xxxiii. p. 322; vol. lv. p. 393); and again in 1699, "that all Bills, reports, and matters to be preferred to the Common Council should be brought to the Court of Aldermen to be read, perused, and considered, that nothing might be moved or passed without due preparation or advice" (*ibid.* 16th July 1699, vol. lxxii. p. 223).

For the first quarter of the eighteenth century, "every contested election, whether for Aldermen or Common Councilmen, became the increasing occasion of popular strife, not only between the rival candidates and the voters and returning officers, but between the Courts of Aldermen and Common Council, and the members of the same Courts also."[1] The Commoners accused the successive Lord Mayors and the Aldermen of illegal practices in the conduct of the elections at the Wardmotes; of "long and unnecessary adjournments of polls and scrutinies";[2] of refusing in some cases to accept the decision of the majority of the electors, and sometimes even of taking the appointment of new Aldermen into their own hands. It must be admitted that the uncertainty in which the franchise had been left, opened the door both to illegalities and to accusations of illegalities. In spite of successive Acts of the Common Council the non-Freemen householders, who voted at the Wardmotes, persisted in trying to vote also for Common Councilmen, and claimed to have restored to them what they described as "their ancient rights of electing Aldermen."[3] More doubtful still was the exact nature of the Freeman's ratepaying qualification. "The Common Council hold," we read in 1715, "that the payment to Church and Poor is a sufficient qualification for a voter, as formerly it hath been; but the Mayor and Aldermen have held . . . that no less than actual payment to all taxes and rates . . . qualifies a voter"; including, that is, rates for personal estate, window-lights, "Trophy money," repairs of sewers, Watch, Scavengers, "Orphans' Tax," and "for the Parson."[4] On the other hand, when the Common Council wanted to enact that "Freemen and Liverymen shall have no right to poll if they have received assistance from the Companies,"[1] the Whig Aldermen, as the protectors of the interests of the wealthy Companies, protested against any such disfranchisement of electors who were the dependants of their Courts. It may easily be imagined that, in these exciting contests, the parties did not refrain from using material inducements to get the votes of the poorer Freemen. The Commoners complained in 1718 of the "excessive treatings of late practised" in the City elections,[2] whilst the Aldermen hotly protested against "that great flux of the City cash which hath of late so lavishly and wastefully issued for purposes far from being to be justified."[3] These disputed elections led to repeated disorders in the assembly, and to reprisals in the law courts. In 1690 our Common Councillor would have found the Aldermen complaining that he and his fellows "were so very clamorous and rude that they would not suffer any question to be put about the City's business," so that "nothing could be brought to a question, the heat and noise . . . was so great"; and all "because they could not be admitted to choose a committee to judge of the . . . elections of Common Councilmen."[4] In 1719 the Aldermen got the disputes brought before the House of Lords, which led to an inquiry into the expenditure ordered by the Common Council since 1711, in litigation relating to Aldermanic elections. The Common Council had, in fact, done its utmost to maintain in the law courts, at an expense from public funds of £2827, its contention that it alone had the right to review the validity of elections to its own body, including those of Aldermen, but it had uniformly failed in its suits. The House of Lords, after heated debates, came solemnly to the resolution—in which we may detect more partisanship for the Whig Court of Aldermen than justice to the Tory Common Council—"That the Common Council of London, having issued great sums of money out of the Chamber of London in maintaining several suits at law between citizen and citizen relating to controverted elections, have abused their trust and been guilty of great partiality, and of a gross mismanagement of the City treasure, and a violation of the freedom of elections in the City."[1] The aim of the City Tories was to settle all the points in dispute by an Act of the Common Council, in which they had a majority. To this the Whigs always objected, the Court of Aldermen taking itself seriously as a City House of Lords, and reviving what it declared to be the "ancient usage of having the proceedings of the Common Council to be read at the first meeting of the Court of Aldermen after."[2] When the Court of Common Council had passed an Act to which the Aldermen objected, the Court of Aldermen formally resolved that "the dissent of this Court should be declared at the next Common Council by the mouth of Mr. Recorder." When Mr. Recorder appeared at the Court of Common Council, and read the declaration of the Court of Aldermen, a great discussion arose, and high claims of independence were made. Eventually the Court of Common Council, after repeated heated debates, refused to allow the declaration of the Court of Aldermen even to be entered in the Journals, as being "derogatory to the rights and privileges of the citizens."[3] To end this deadlock the plan of the Aldermen of London, as it was that of the Aldermen of Norwich, was to get the City constitution settled to their liking by an Act of Parliament, in which they were at first baulked by a Tory House of Commons. Before long, however, the change in the composition of the House of Commons gave them their chance. By 1724, as we learn from one of the many petitions, "the animosities and divisions between citizen and citizen, and also between the magistrates and commons," had grown to "such a height and flame that they are obliged to seek relief from the House to prevent their utter confusion."[1] The struggle raging in the City had by this time enlisted on both sides the interest of distinguished outsiders. We find the eminent Nonconformist minister, Edmund Calamy, writing in 1722 to Lord Townshend, the Whig Secretary of State, deploring the difficulty of getting a Common Council "well-affected to Government," owing to the inactivity of the Whigs and the backwardness of the wealthy Dissenters. He suggests that Lord Townshend should come into the City to "meet some of the chief of those concerned, and in discourse to let them know how much the interest of the Government should engage them to bestir themselves upon this occasion."[2] On the other hand, Bishop Hoadly also gives the matter his attention, learnedly discussing in his letters[3] the whole controversy about the Aldermanic veto. A confidential memorandum of 1723 shows that the Whig Ministry was being urged to defeat the machinations of the Tory Common Council by a Parliamentary enactment which should override the City's right to legislate for itself.[4] This course was at last adopted. In 1725 Parliament passed an Act definitely placing the franchise in those Freemen who had for twelve months been £10 householders (thereby excluding, it was said, several thousands of poor Freemen);[5] and, most hateful of all, making the concurrence of a majority of the Aldermen necessary to the validity of any enactment by the Common Council, other than the election of such of the

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[1] *The Corporation of London*, by W. Carpenter, 1847, p. 30.

[2] Act of Common Council, 6th December 1712.

[3] Journals of the Court of Common Council, 26th October 1713.

[4] *Reasons against passing the Bill for regulating elections in the City of London*, 1715; see also *An Examination and Resolution of the two questions: 1st, whether unfreemen can vote in our Wardmote elections; 2nd, whether freemen paying to one or more scots, and not to all, shall be qualified to vote in those elections*, by a Citizen, 1724.

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[1] Printed petition of Aldermen, etc., to House of Lords, 6th April 1715.

[2] Journals of Court of Common Council, 17th July 1718.

[3] MS. Report of Committee of the Court of Aldermen, among Home Office Domestic State Papers in Public Record Office, 1715.

[4] *Case of the Lord Mayor and Aldermen of London upon the Petition of some of the Common Councilmen*, 1690; an attempt to assert this "claim on the part of the Common Council to the right of adjudicating upon contested elections of their own members was restrained by writ of prohibition, 1720" (*Opinions of the Officers of the Corporation*, 1847, p. 61).

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[1] For this controversy, see House of Lords Return, 17th April 1719; House of Lords Journals, 1719; MS. Repertories, 1711-1719; Journals of the Court of Common Council, 1711-1719; *History of London*, by W. Maitland, vol. i. pp. 521-525 of edition of 1756; *London in the Eighteenth Century*, by Sir Walter Besant, 1903, p. 9; *Protests of the Lords*, by J. E. Thorold Rogers, 1875, vol. i. p. 251; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. iii. pp. 12-15.

[2] Repertories, 19th March 1717 (vol. cxxi. p. 159).

[3] Journals of the Court of Common Council, 12th March 1724.

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[1] House of Commons Journals, 16th December 1724.

[2] E. Calamy to Lord Townshend, 11th December 1722, among Home Office Domestic State Papers in Public Record Office.

[3] *Works* of Benjamin Hoadly, 1773, vol. iii. pp. 289-293, letter LXXIX.

[4] "The right of electing Common Council and Aldermen in London is disputed. Some hold all have a right to vote who pay to Church and Poor; others say none have that right but who pay to all taxes. The Tories who are of the former opinion are bringing in a Bill in Common Council to establish the right in that manner, by which all their rabble will have votes. The only way to prevent this would be by a clause in the Norwich Bill, or some other Bill, to declare that 'scot and lot' means all taxes in a Corporation. The Tory Common Council have already appointed a Committee to prepare a Bill for the Common Council to pass" (Unsigned Memorandum, among Home Office Domestic State Papers in Public Record Office, under date of 1723).

[5] "The effect of this Act . . . was to disfranchise nearly 5000 Freemen householders, occupying premises under £10 per annum value" (*The Corporation of London*, by W. Carpenter, 1847, p. 31). This may be exaggerated, but we know that, in 1736, out of 14,014 houses inhabited and chargeable for lighting the streets, there were 1287 under £10 a year (Journals of the Court of Common Council, 17th September 1736, vol. lviii. p. 17).

City officers as were within its appointment.[1] "The Mayor and Aldermen," said the Commoners, "already have all the executive power of the City in their hands. By this Bill they will in effect have all the legislative power too."

This triumph of the Aldermen and victory of the Whigs seems to have had a blighting effect on the Court of Common Council for at least a decade. For a year or two this Court fell almost into abeyance, as long as thirteen months being, on one occasion, allowed to elapse without a single meeting.[2] But the "Commoners" were not idle. For twenty years the "Ward politicians" saw to it, with incessant "harangues against the power of the Court of Aldermen,"[3] that no person was proposed, in Precinct Meeting or Wardmote, for any Aldermanic vacancy, without being very definitely pledged to the repeal of the hated "Negative." Gradually, as the result of successive elections, we see the Aldermen and Common Councilmen approximating in their political views; and some of the Aldermen—notably Sir Gilbert Heathcote—working persistently for rehabilitation of the Court of Common Council as an autonomous body, freed from any control by the group of Aldermen in its midst. After the changes in political opinion which followed the defeat of the Young Pretender in 1745, it became possible, on the plea that the "Negative" had "by no means answered the good ends and purposes thereby intended," to get through the House of Commons, as an agreed Bill, a measure of a single clause by which the 1725 Act was, to this extent, simply repealed.[4]

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[1] 11 George I. c. 18 (the City Elections Act, 1725); House of Commons Journals, vol. xx.; House of Lords Journals, vol. xxii.; Repertories, vol. cxxix.; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, pp. 33, 41, 45, etc., of edition of 1854. For the voluminous pamphlet controversy, see *A True Account of the total of the poll for Common Councilmen for the Ward of Coleman Street, etc.*, 1722; *The Art of Managing Popular Elections, being a complete collection of all advertisements, papers, letters . . . used on behalf of the candidates on both sides, in the late election of Common Councilmen*, 1724; *A Brief State[ment] of the several Disputes and Grievances at present complained of in the City of London*, 1724; *A Letter from a Citizen to a Member of Parliament against the Bill, etc.*, 1725.

[2] Journals of Common Council, vol. lvii. 1727-1729; *London and the Kingdom*, by Dr. R. R. Sharpe, 1894, vol. iii. p. 32.

[3] *City Corruption and Maladministration Displayed*, by a Citizen, 1738, p. 1.

[4] 19 George II. c. 8 (1746). It is, however, to be noted that, regarded strictly, the repeal was only of a section of the Act of 1725, and that this section had merely regulated the manner in which the veto should be exercised. As late as 1847, the Town Clerk and the Common Serjeant both advised the

This Act of 1746, says, nearly a century later, an eminent legal writer upon the City of London, "was the last memorable occurrence affecting the civic rights," or producing "a lasting, if any, effect on its genuine Corporate privileges or constitution."[1] But the observant Common Councillor who lived through these times would know better. Between 1746 and 1835 he saw happening under his eyes a complete revolution in the working constitution of the City, of which the constitutional historian of 1829 had taken no heed. Put briefly, this was the transformation of the Court of Common Council, from a sort of consultative Legislature, dependent for its Executive upon the Lord Mayor and the Aldermen, into a supreme organ of administration, itself wielding the whole power of government, and reducing the Lord Mayor and Aldermen to a mere magistracy.

This transformation of the structure of City government—largely extra-legal, but to a great extent ratified, implicitly or explicitly, by a stream of statutes[2]—was brought about by a gradual and unperceived change in function. Between the middle of the eighteenth and the beginning of the nineteenth centuries, the City saw a remarkable development of its commerce and its shipping, its money dealings and its wealth, leading to a great increase in the amount and a change in the

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Common Council on this ground that, in their opinion, the concurrence of the Lord Mayor and of a majority of the Aldermen was, strictly speaking, still necessary to the validity of any Act, Ordinance, or By-law of the City; and that their power of veto was still alive, though it had not been exercised for a century (*Opinions of the Officers of the Corporation*, 1847; "Opinion of Mr. Common Serjeant," p. 5; "Opinion of Mr. Town Clerk," p. 34).

[1] *Commentaries on the History, Constitution and Chartered Franchises of the City of London*, by George Norton, 1829, p. 318.

[2] It was computed that over 350 Acts of Parliament, applying specially to the City or to some part of it, were in force in the middle of the nineteenth century (Report of Royal Commission on the City of London, 1854, p. 194). Among the principal of these statutes, usually ignored by the constitutional historian because they are classed as Local Acts, we may mention those of 7 Anne, c. 9 (1708); 11 Geo. III. c. 29 (1770); 33 Geo. III. c. 75 (1793); 4 Geo. IV. c. 114 (1823), and others relating to the work of the Commissioners of Sewers; 14 Geo. III. c. 78 (the Building Act, 1774); and 30 Geo. II. c. 21 (1757); 39 Geo. III. c. 69 (1799), and 39 and 40 Geo. III. c. 47 (1800); 42 Geo. III. c. 49 and c. 113 (1802); 43 Geo. III. c. 124 and c. 126 (1803); 44 Geo. III. c. 7 (1804); 45 Geo. III. c. 58, 63, 98 (1805); 46 Geo. III. c. 132 (1806); 47 Geo. III. sess. 2, c. 31 (1807); 49 Geo. III. c. 155 (1809); 1 and 2 Geo. IV. c. 123 (1821); 3 Geo. IV. c. 111 (1822); 10 Geo. IV. c. 124 and c. 130 (1829); 1 and 2 William IV. c. 76 (1831); 4 and 5 William IV. c. 32 (1834), all relating to the Port of London.

character of the business brought before the Common Council. For the first two generations after the Revolution the Common Councillor would find himself, when not quarrelling with the Aldermen, listening to a stream of petitions from the "Master, Wardens, and Court of Assistants" of this or that Company complaining of "foreigners" (meaning simply non-Freemen) working at their trades within the City, or protesting against the Freemen belonging to other Companies carrying on business without paying the fees and coming under the jurisdiction of the Company responsible for their particular occupation. These petitions, uniformly referred to committees, were seldom heard of again. Occasionally a Bill would be submitted by some representative of the aggrieved Company (usually an Alderman), seeking a remedy for the grievance by some increase in the restrictive powers of the Company.[1] But the typical Common Councillor, whilst keenly desirous of maintaining the monopoly privileges of the Freemen as such, would be conscious of a strong bias against giving any increased jurisdiction to the close government of particular Companies; and in face of this bias, nearly all such Bills failed to pass. The Court of Common Council at this date was ready enough to increase its own powers against non-Freemen; in 1712, for instance, passing an elaborate Act strengthening the prohibition against "foreigners" opening shops or carrying on handicrafts in the City.[2] This prohibition nominally extended to journeymen as well as to shopkeepers and master-craftsmen. But the Common Councillors had no wish to maintain monopoly wages, and exceptions were perpetually being made in the interest of the employers' freedom.[3] This movement towards commercial freedom culminated in 1750, after a club of journeymen painters had successfully prosecuted some non-Freemen, and a prolonged controversy had raged, in the passing by Common Council, in a debate of four hours' duration, of an Act which practically enabled any employer to get permission to engage non-Freemen journeymen whenever the Freemen were unreasonable.[1]

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[1] For the petitions of the Companies, and incidental references thereto, see Journals of the Court of Common Council from 1689 to 1775; after which the entries become fewer and confined to particular trades only, such as carmen, porters, bakers, and butchers, in which regulation was deemed necessary in the interests of consumers; House of Commons Journals for the same period; *History of London*, by W. Maitland, vol. i. (1756); Second Report of Municipal Corporation Commission, 1837; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, pp. 486-493 of edition of 1854.

[2] Journals of the Court of Common Council, vol. lv. p. 324, 4th July 1712; *History of London*, by W. Maitland, vol. i. p. 511 of edition of 1756; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, p. 385 of edition of 1854.

[3] By an Act of Common Council of 1606 Freemen had been expressly

Interspersed among the discussions on the petitions of the Companies and the Bills against the "foreigners," the Common Councillor would find placed before him, at the instance of the Lord Mayor and Court of Aldermen, a whole series of legislative propositions of another character—Bills determining the personal obligations of the householders to cleanse, light, pave, and watch the streets; Bills insisting on the obligations of the Companies to provide buckets and other primitive protection against fire; Bills regulating the services to be rendered and the fees to be taken by the innumerable public officials or the "farmers" of the tolls, markets, and prisons of the City; Bills fixing the prices to be charged for certain commodities and services, such as coal, hay, porterage, and cartage. In all this range of affairs, which down to the middle of the eighteenth century made up the bulk of the business, the Court of Common Council was merely an enacting body, passing what were in effect laws. It was for the Lord Mayor, or the Court of Aldermen, or the Alderman in his Ward, or the Sheriffs, or one or other of the innumerable City officials, to see that these "Acts of the Common Council" were enforced. The administrative business of the Common Council itself was, for the first half of the eighteenth century, insignificant in amount. There were, it is true, three standing committees dealing with the Corporation Estates in London and Ireland,[2] but these

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forbidden to set any stranger to any manual occupation. But these regulations were successively declared not to prevent the taking of apprentices under twenty-one; nor the employment of non-Freemen as labourers in loading or unloading coarse heavy goods; nor that of any unskilled labourers generally; nor that of "felt makers, cap-thickers, carders," spinners, knitters, or brewers (*Laws, Customs, etc., of the City and Port of London*, by A. Pulling, pp. 385-386 of edition of 1854).

[1] Act of Common Council, 22nd November 1750; Journals of Common Council, vol. lix.; *An Act to explain and amend the Several Acts of Common Council . . . concerning Foreigners*, 1750; *History of London*, by W. Maitland, vol. i. pp. 677-679 of edition of 1756; *Complete History and Survey of London*, by H. Chamberlain, 1770, p. 332.

[2] One of these committees, the "Irish Society," was (and continues to be) "a Corporation connected with the City of London, but in a very anomalous

committees busied themselves only with the perpetual lettings and relettings of this property. The City Commission of Sewers—eventually to become an important administrative organ—was, in 1689, and for many years afterwards, merely a committee for elaborating and supervising those obligations of the householders to which we have already alluded. The whole aggregate of committee meetings was small.

By the end of the eighteenth century, however, the Common Councillor would have found the business of the Court entirely changed. The Companies, whether because they had lost their interest in their particular trades, or because they had found the Common Council persistently opposed to their claims, gradually ceased even to petition. By a series of Parliamentary enactments, which the Common

manner." It began in 1609, when £40,000 was invested by fifty-five of the City Companies in the "plantation" or colonisation of Ulster. This investment was, in 1613, divided into twelve shares, allocated each to one Company or a group of Companies; and the bulk of the estates were then distributed among the investing Companies in these proportions, in severalty. The City of Londonderry, the town of Coleraine, and the neighbouring woods and waters remained undivided; and continued to be administered for the joint benefit of the shareholding Companies. The Society was reincorporated in 1662. It consisted from the first of a governor, deputy-governor, and twenty-four assistants; the governor and five assistants to be Aldermen of the City, the Recorder to be a sixth assistant, whilst the deputy-governor and the other assistants were to be "Commoners"—the whole to be appointed by the Common Council for two years, half retiring annually. Members of the Common Council were invariably chosen, and down to 1831 those who were members of the twelve great Companies were preferred. In 1831 the Common Council decided henceforth to abandon this preference, and to appoint Common Councillors from the twenty-six Wards in rotation. Down to 1839 the Irish Society remained practically independent of control, though the Common Council, in 1816-17 and 1831, vainly sought to claim power over its proceedings. The property was evidently managed extravagantly and improvidently; members of the Society got valuable leases, and, at least in one case in 1831, a large sum was spent in promoting the candidature of the Governor in a Parliamentary election. What little surplus remained was periodically divided among the Companies. In 1832 the Skinners' Company, dissatisfied with the result, took proceedings in Chancery which dragged on for eight years, and ended in 1845 in a decision by the House of Lords that the Irish Society held its property in trust not for the shareholders but for public purposes. Since that date the net rental has, not without much dissatisfaction, suspicion, and complaint, been devoted to the improvement of the property in Ireland. The constitution remains unchanged. See *A Concise View of the Origin, Constitution, and Proceedings of the Irish Society* (privately printed, 1822); Clifford's *History of Private Bill Legislation*, vol. ii. 1887, pp. 408-417; the judgments in the House of Lords, in *Reports of Cases, etc.*, by Clark and Finnelly, vol. xii. 1847, pp. 425-490; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. ii. pp. 28-45; and the Report of the House of Commons Committee on the Irish Society, 4th May 1891.

Council itself had promoted, it had incidentally given up its coercion of the individual householder to do his own cleansing, paving, lighting, and watching of the streets. On the other hand, the actual administrative work of the Common Councillors themselves had greatly increased. With the constant doubling and trebling in value of the sites within the City, the members of the City Lands Committee found the volume of their lettings and relettings swell to a considerable amount. As Commissioners of Sewers, the Common Councillors were carrying on, under the authority of a bewildering series of Local Acts, which Parliament seems to have passed without demur, extensive operations in the construction of sewers; in paving the streets; and in lighting and cleansing the narrow thoroughfares of the City. The supervision of the large staff of their own workmen and the operations of their contractors; the raising and spending of the revenues involved, and the drafting and discussing of detailed administrative reports, had, by the end of the eighteenth century, made the City Commissioners of Sewers into a much occupied body. The members of the committees managing the property of the Corporation no longer confined themselves to letting lands and recommending leases. We find these bodies, multiplying by fission into a dozen different committees and sub-committees, carrying out, under enabling Acts of Parliament, extensive undertakings on behalf of the Court; undertaking street improvements; building and rebuilding the Thames bridges; erecting a "Mansion House" for the Lord Mayor; rebuilding and even multiplying the City prisons; greatly enlarging the City markets, and eventually taking them out of the hands of "farmers," and placing them under the administration of officers paid by salary or fees. The port of London, though persistently neglected by the shopkeepers and handicraftsmen of the Common Council, had given rise to a Port and Navigation Committee of a hundred members, into whose hands the continuous growth of the shipping trade poured an ever-increasing revenue.[1] The time of this unwieldy committee was mainly spent in distributing the lucrative offices created by the collection of its revenue, in quarrelling with the large number of private wharfingers to whom the accommodation of the shipowners and importers was left, and in resisting, as long as possible, in the interest of the old-fashioned methods of navigation, either the erection of new bridges or the construction of docks, both of which enterprising joint-stock companies were driven to undertake. The Common Councillor would thus have found himself transformed, in the course of the century, from the member of an occasional public assembly of representatives of the Wards, summoned to give "counsel and consent" to legislative measures, emanating from and executed by the Lord Mayor and Aldermen, into a busy administrator. As such he would serve on innumerable committees and sub-committees; meeting almost daily in the secrecy of the committee-rooms; appointing and controlling a paid staff of thousands of persons; organising and supervising the largest and most varied enterprises, and directly receiving and expending an annual income amounting, by 1835, to something approaching half a million pounds.[1]

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[1] The revenue from tonnage dues had risen, by 1831, to £50,362 in the year (Report of Port and Navigation Committee, in Journals of the Court of Common Council, 27th February 1834). Some idea of the work of the Port Committee may be gathered from the volume entitled *Extracts from and References to Acts of Parliament respecting the Port of London and Thames Navigation, with the Report of the Port Committee relative to the Canal at the Isle of Dogs and the Port of London By-Laws*, 1814.

We may assume that the typical Common Councilman would strive to be elected a member of one or other of the standing committees. He would not always find it easy to get elected to the committee he preferred. Though the committees were large—from 40 to 100 members—about one-third of the places were always shared among the 25 Aldermen. The other places were originally left to be scrambled for by the couple of hundred "Commoners." Our Common Councilman would be impressed by the orderly fairness with which these committees were constituted; though he would presently realise that less attention was paid to securing for each committee the services of the most efficient and suitable members, than to sharing its privileges among the whole of the Councillors in due proportion.[1] He would see adopted more and more the principle of rotation in office, one-fourth of each committee becoming each year ineligible for re-election. He would notice more and more of the committees becoming "Ward Committees"—that is, committees composed of members from all the Wards—so as to respect what the General Purposes Committee declared to be "the inherent right that each Ward should be represented on the several committees appointed for the despatch of the public business of the Corporation."[2] In the case of some of the committees, the Court simply filled up vacancies by taking "one Commoner out of each Ward according to alphabetical order."[3] Presently he would see the selection of the Ward representatives on each committee transferred from the Court, which might have had some regard for the fitness of the committee as a whole, to the Common Councilmen for the Ward concerned, who could do no more than share the privileges of committee membership among themselves.[4]

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[1] Between 1717 and 1720 (as we learn from an MS. calculation of the Town Clerk among the archives) there were only eight Courts a year, the minutes of which took up, on an average, only six pages each. Between 1830 and 1834 there were, on an average, twenty-nine Courts a year, the minutes of each averaging thirty-two pages. The number of committee meetings, at the beginning of the eighteenth century insignificant, amounted in 1832 to no fewer than 534. The gross aggregate revenue and expenditure, which in 1744 was computed at about £27,000 a year (*Gentleman's Magazine*, January 1747, p. 23; *Gentleman's Magazine Library*, by G. L. Gomme, part xv., 1904, p. 190), was in 1841 put at £459,384 a year (*The Necessity of Reforming the Corporation of London Demonstrated*, by a Citizen, 1843, p. 17), irrespective of the parish rates, the revenues of the Companies, the endowed hospitals, and the parochial charities. Another calculation, omitting many items, makes the total in 1845, £405,320 (*The Corporation of London as it is, and as it should be*, by W. Carpenter, 1847, p. 51). At the lowest computation the gross receipts of the Corporation of the City of London exceeded the aggregate income of all the other Municipal Corporations put together.

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[1] Thus in 1781 it was resolved that no "Commoner" should in future be elected on more than four committees; in 1784 it was ordered that one-fourth of the members should "be removed every year, and others elected in their room," no member being allowed to remain for more than four years on any committee (this was afterwards explained to refer only to "Commoners"); and in 1789 it was made a Standing Order that no Commoner should be put on more than one of the favourite committees (City Lands, Port and Navigation, Corn and Coal, and General Purposes).

[2] Report of General Purposes Committee, in Journals of the Court of Common Council, 11th February 1801.

[3] *Ibid.* 5th March 1784. As late as 1835 the important Markets Committee was committing its executive administration to a Sub-Committee of the Chairman and "twelve other Commoners, such twelve to be chosen in rotation, beginning with the Ward of Aldersgate, six to go off every month" (Standing Orders of the Markets Committee, 1835).

[4] "That it be recommended to the Common Councilmen of the several Wards to return to this Court such persons as they may think proper to be elected on the various Standing Committees" (Report of General Purposes Committee, in Journals of the Court of Common Council, 5th March 1784). The Ward records show that this was done as part of the business of the Common Council of the Ward (*e.g.* MS. Records, Broad Street Ward, 28th January 1802 and 6th February 1807).

The Common Councillor, if he came fresh from the looser practices of the Precinct Meeting and the Wardmote, would find with surprise that these committees, with their sub-committees, were governed by elaborate Standing Orders, in addition to those laid down for the meetings of the Common Council itself. These rules for committee work, carefully devised to secure common agreement, to prevent embezzlement and fraud, and to maintain the control of the Court as a whole, were always being improved and made more detailed and precise. It was to these minute standing orders, and to the elaborate formality of procedure which they upheld, that was due the rarity with which the City, during the whole century and a half, suffered any considerable loss by direct theft or misappropriation. There was, in fact, no opportunity in the City for any such loss as that inflicted on the County of Middlesex and the various Commissions of Sewers by the bankruptcy of the Mainwarings in 1814.[1]

The mechanical excellence of the procedure imposed upon the committees of the Court of Common Council did not, however, prevent our Common Councillor and his fellows from bringing in with them the intellectual and moral atmosphere of the tavern meetings, to which they were, in Precinct and Ward, so thoroughly accustomed. "Few or none," it was said, in 1751, "think themselves under any kind of moral obligation to serve the public unless they are paid for it; and even then they are more anxious to receive the salary and perquisites than to discharge the duties of their office."[2] This remuneration took the form of perquisites of every kind, at first probably moderate enough in amount, but growing steadily with the increasing opulence of the City, until, in the first decades of the nineteenth century, they had risen, in the aggregate, to what was, for that period, no inconsiderable sum. There was, first of all, a substantial direct payment for attendance. At first only the City Lands and Gresham Estates Committees enjoyed this privilege, but in 1788 the other committees claimed to have it extended to them. It was urged that it was necessary in order to ensure a quorum.

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[1] For this, see the preceding volume, *The Parish and the County*, pp. 562-565.

[2] *The Vices of the Cities of London and Westminster traced from their original*, 1751, p. 9.

It was alleged that in the committees where no payment was made, "out of more than fifty members summoned, not more than about a tenth part have attended."[1] Gradually the system of payment was extended until, in 1802, as much as £4000 a year was being allotted to the Committees.[2] Each important committee had assigned to it a fixed sum which it disposed of at its discretion; and it was customary to appropriate the greater part of this sum in "line money," or payments to the Aldermen and Councillors for each attendance, "in consideration," as it was said, "of their expenses in coach-hire and otherwise, and spending much of their time in the public service";[3] whilst the remainder was supposed to cover the cost of the incidental expenses to which the members were put in their official inspections.[4] With this stimulus it was the needy and the most self-seeking members of each committee who were the most constant in their attendance, thus securing to themselves a not inconsiderable addition to their incomes, and becoming the pivot on which the administration turned. But the Common Councillors permitted themselves other perquisites. Like the contemporary Vestrymen of the Metropolitan parishes, the Committees of the Common Council took a childish pleasure in getting drives "in glass coaches," trips up the river, and even excursions to the Irish Lakes, under the pretext of inspection, together with junketings and feastings on every conceivable occasion.[5] Every meeting of some of the committees would be rounded off by a Gargantuan banquet, to which some or all of the members were allowed each to invite one friend.[1] Attempts made by the more reputable members to limit this expenditure long proved unavailing. As early as 1740 we find a committee reporting on the "accounts of Mr. Hallkeeper," evidently for the entertainments of the committees. All of them spent lavishly, but the most extravagant were the "Courts of Conservancy," held by the Lord Mayor, nominally to regulate the river. These indulged in "great quantities of French and other wines, charged at large and excessive prices," whilst candles and firing were equally extravagant. The Committee were "of opinion that most or all of the bills laid before them consist of articles many of which are superfluous and others very exorbitant, but how and in what manner the same may be regulated or reduced for the future we submit to the judgment of this Honourable Court."[2] Nor were these irregular accounts got rid of when fixed allowances were paid to the Committees. In spite of the liberal sums allotted (which amounted in the case of one of the committees to more than £1200 a year)[3] the total was always being exceeded. The coach-hire, which had originally been made a pretext for the allowance, continued to be separately charged for. Special votes were passed for the annual summer excursions of one committee after another.[4] The committees even resorted to the petty device of giving orders for payment of their tavern

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[1] Report of Committee of City Lands to Court of Common Council, 9th December 1788.

[2] The sum so allotted was, by 1832, reduced again to £2200 a year, of which about £600 was distributed as "line money" and the balance spent in dinners, etc. The "line money" was abolished in 1836, and the allowance for refreshments further reduced. See the *Statement of the Corporation of London read before the Commissioners of Inquiry*, 1854, p. 18. We have not traced any similar payment or allowances to councillors or committees in any other Municipal Corporation, though many of the accounts contain expenditure on dinners and feasting of different kinds.

[3] Report of Committee of City Lands to Court of Common Council, 9th December 1788.

[4] One Committee, in 1832, "Resolved that so much of the allowance of £500 per annum made to this Committee as at the end of the year shall not have been expended in tavern expenses be divided among the members equally, according to the number of their attendances upon Grand and Sub-Committees" (Standing Orders, Bridge House Estates Committee, 13th April 1832).

[5] As specimens of these absurd excursions, see *A Narrative of an Excursion to Ireland by the Deputy Governor, two members of the Court, and the Assistant Secretary of the Honourable Irish Society of London*, 1825 : and *The Lord Mayor's*

Visit to Oxford in July 1826, by the Rev. R. C. Dillon, 1826; the latter work calling forth so severe a criticism from Theodore Hook in *John Bull* that it was suppressed.

[1] Thus, the City Lands Committee, in 1783, "Resolved that the Grand Committee do dine the first day they meet in every month, and that the senior members of this Committee, each in their turn, have the privilege of appointing the tavern to dine at and also the privilege of inviting his friend" (Standing Orders, City Lands Committee, 1783).

[2] *Report of the Committee on Accounts . . . between 1730 and 1740, delivered in by Mr. Chamberlain*, 1740.

[3] The allowance to the City Lands Committee was "reduced" to this amount in 1809 (Journals of the Court of Common Council, 16th February 1809, vol. lxxxv. p. 37).

[4] "Resolved that the Commissioners of Sewers be empowered, until the further order of this Court, to draw upon the Chamber for the expense of an annual excursion on the river Thames, so as not to exceed £150 in each year. . . . Resolved that £150 be allowed to the Committee of Control over Coal and Corn Meters for expenses of summer excursion" (*ibid.* 17th July 1805, vol. lxxxii. p. 294).

scores out of the Corporation funds, in the guise of "artificers' and tradesmen's bills" for work done, which, up to a limit of £100 for each bill, they could order the officers to pay without express authority from the Court. This had to be specifically forbidden in 1809.[1] In spite of these spasmodic attempts to keep the cost within bounds, the eating and drinking at the public expense continued to be extravagantly great. Notwithstanding a definite resolution of the Court limiting them to £200, the members of the Corn and Coal Meters' Committee were found to have expended "during the year 1810 . . . for entertainments, etc., the sum of £750, exclusive of the sum of £100 granted to them by this Court . . . on 21st June 1809."[2] In 1816 it had to be formally resolved by the Court that no Committee should order any payment to be made for entertainments without the express authority of the Court.[3] Meanwhile the public banquets ordered by the Court itself—for which there may have been some public justification, though not for the invariable participation in them of all the 232 members—continued on a colossally extravagant scale. The dinner to which the Corporation invited the King and Queen, with Bute and Pitt, in 1761, cost £6898.[4] The cost of the Corporation banquet to the Duke of Wellington was officially reported as £4376, and that to the Prince Regent and the Allied Sovereigns in 1814 as no less than £20,347.[1] "The investigation into the eating and drinking department in the City," solemnly declares the *Times* in 1828, "has given indescribable dissatisfaction. We understand that since public notice has been taken of this most gross abuse, the efforts of the Auditors have been seconded by many influential persons in the City, notwithstanding which the accounts are still withheld. Some of the gentlemen who regularly participate in the abundance which the hand of the Common Council deals out to her committees, who, in fact, never miss a day's dinner at the City's expense, openly declare that were it not for the 'blow out' which invariably follows the labours of civic duties, they would not give up their time to the service of their fellow-citizens."[2]

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[1] The rapidly increasing current expenses led, in spite of the great wealth of the Corporation, to actual financial embarrassment, and a Special Finance Committee was appointed on 21st July 1808. This reported on 16th February 1809 to a secret sessions of the Court that "the expenses of the different committees . . . have gradually increased of late years to a very great amount. . . . Your Committee feel it a painful task to represent to the serious attention of this Honourable Court a practice of late years adopted by the committees . . . of drawing upon the Chamber, for the payment of tavern bills and other personal expenses, sundry warrants each under £100, availing themselves of the Standing Order empowering them to pay artificers' and tradesmen's bills which do not exceed that sum . . . a practice which we conceive highly improper" (Report of Special Finance Committee, in Journals of Court of Common Council, 27th April 1809, vol. lxxxv. pp. 37-42). By a new Standing Order of 21st June 1809, the rule as to payment of bills under £100 was "to be confined to its obvious meaning, namely, empowering committees to pay bills of artificers, etc., only" (*ibid.* 21st June 1809).

[2] Report of Finance Committee, in Journals of the Court of Common Council, 24th March 1812.

[3] *Ibid.* 2nd May 1816.

[4] *Ibid.* vol. ii. pp. 337-340; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. iii. p. 69.

There was, however, a darker side. The records that are accessible leave no doubt upon our minds of the continual presence of a great amount of petty corruption and jobbery among the Common Councillors. The student of the City annals will find it hard to believe that none of the accusations of granting to each other valuable beneficial leases of Corporation property were without foundation.[3] But the most common form of plunder, in which nearly all the members of the Court could participate, was the execution of work for the Corporation, in their own trades, without competition, and at extravagant prices. To take one instance out of many, the erection of the Mansion House in 1738-1752 was evidently the occasion of considerable corruption. Against the advice of all who were qualified to judge,[1] an inferior architect was chosen merely because he was a Freeman. The various contracts for the building were not given to the lowest tenderers, but to those who had most interest in the Council. When, for instance, the contract for mason's work came forward, a majority of the Common Council accepted a tender £225 in excess of the lowest, upon which a majority of the Aldermen present interposed their veto.[2] Finally, there occurred in connection with it such a glaring instance of corruption that even the Common Council itself was forced to interfere. At its meeting in 1739 it resolved "that it appears to this Court that Mr. John Cordwell, [the City] Carpenter, a member of this Court, hath been concerned in forming a combination to raise the price of piling and planking the foundation of the Mansion House; that the said Mr. Cordwell hath by such combinations grossly abused the office and trust reposed in him as a Common Councilman."[3]

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[1] The detailed accounts are given in the Journals of the Court of Common Council, 13th March 1817; see also Hansard, vols. xxxvii. and xxxviii. 24th February and 21st May 1818; and the statement of the City Solicitor, Report of the Royal Commission on the City of London, 1854, Q. 8476, p. 807. At that moment, said this official witness, the Corporation was seriously embarrassed for want of ready money. "The baker had refused to trust the Corporation with bread for the prisoners in Newgate, unless the Lord Mayor would give his personal security." Moreover, in 1812, the Corporation had borrowed £25,000 to meet current deficits (Journals of the Court of Common Council, 24th March 1812).

[2] *Times*, 2nd May 1828. The City continued unabashed. Even to celebrate the passing of the Reform Bill, the Corporation treated itself and the Ministers to dinner at an expense of £2975 (Journals of the Court of Common Council, 11th October 1832). Down to the very end of the period with which we are dealing, at any rate, the City Fathers might be ironically congratulated on the fact, as put by a satirist of 1822, that "neither the lapse of ages nor the resolution of opinions has effected any change in your antique attachment to those substantial interests which form the bases . . . of that great Corporation" (*Essays, Moral, Philosophical, and Stomachical, on the Important Science of Good Living*, dedicated to the Court of Aldermen, by Lancelot Sturgeon, 1822).

[3] See, for instance, *The City Secret, or Corruption at all ends of the Town, containing a succinct account of the £100,000 job*, 1744.

Still more detrimental to administrative efficiency was the habitual jobbery of offices. It was, of course, an absolute rule that no one but a Freeman was eligible for any appointment. What was more reprehensible was the universal acceptance of the idea that the public offices of the City were "good things," to be multiplied as much as possible,[1] and invariably to be given, if not to the members of the Common Council themselves, at least to their relations or friends. To give one instance out of many, when the system of street lighting had to be improved, the proposal made by the Corporation for the provision of lamps would, it was alleged, have enabled the members of the Common Council to put £2378 a year into their own pockets; but the House of Commons, against the opposition of the City representatives, insisted on putting a clause in the Act excluding them from participating in any of the contracts under it.[2] It is abundantly clear from the records that, throughout the whole century and a half, it was the dispensing of this very extensive patronage that excited the keenest interest among the members, and was the object of intrigues and cabals as constant as those of the Precinct Meeting and the Wardmote. In 1738, for instance, we are told, there existed an inner circle of "Corporators," a "distinguished club" organised on the principle "that they might all centre in the common interest," and "neither to suffer the City nor any individual except of their own cabal to benefit by the wisdom of their councils. Here representatives for the City in Parliament are pricked down, as also Sheriffs, Aldermen, Commoners, Governors of Hospitals Treasurers' Stewards, Beadles, Nurses, etc.; and here the various City Committees are pitched upon and multiplied." They "deal out the loaves and fishes most generously. . . . Here the sacred office of a Common Councilman is prostituted to the lowest and basest ends."[3] Under this head, too, there were spasmodic attempts by the more honourable members of the Court to prevent the grossest of the favouritism by Standing

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[1] "When it was first resolved in the Common Council to build a Mansion House for the residence of the Lord Mayor, Lord Burlington, zealous in the cause of the arts, sent down an original design of Palladio, worthy of its author, for their approbation and adoption. The first question in Court was not whether the plan was proper, but whether this same Palladio was a Freeman of the City or no. On this great debates ensued, and it is hard to say how it might have gone, had not a worthy Deputy risen up and observed gravely that it was of little consequence to discuss this point, when it was notorious that Palladio was a Papist and incapable of course. Lord Burlington's proposal was then rejected *nem. con.* and the plan of a Freeman and Protestant adopted in its room" (*Modern London*, by Sir Richard Phillips, 1805, description of Plate 19).

[2] *A Modest Inquiry into the Conduct of the Court of Aldermen*, by a Citizen of London, 1738; *The Humble Address of the Citizens of London to the 7 Aldermen and 110 Commoners who appeared . . . in behalf of the proposal of Messrs. . . . to do the Mason's Work of the intended Mansion House*, 1739.

[3] Journals of the Court of Common Council, 17th April 1739. Even then the work continued to be entrusted to this enterprising Common Councilman. The scandal led to the introduction of a Bill providing that henceforth "no proposals shall be received from or contract made with any member of the Common Council . . . for doing, executing, or performing any public work belonging to or for the use or service of this City or Bridge House." After passing this Bill through its early stages, the Court rejected it by 75 to 43.

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[1] The multiplication was carried to an incredible extent. There was the "Land Carpenter of the Bridge House, the Water Carpenter, the Bridge House Mason, the Bridge House Bricklayer, the City Plasterer, the City Plumber, the Bridge House Plumber, the City and Bridge House Painter, the City Printer, the City and Bridge House Glazier, the City Stationer, the City Smith, the Bridge House Smith, the City Founder, the City and Bridge House Purveyor," and so on, *ad infinitum* (*City Corruption and Maladministration Displayed*, by a Citizen, 1738, p. 19).

[2] *Ibid.* p. 5. To this accusation, an unconvincing answer was made; see *Scurrility and Defamation Corrected*, by a Lover of Truth, 1739.

[3] *City Corruption and Maladministration Displayed*, by a Citizen, 1738, p. 4.

Orders, which it cost a whole half-century of effort to get adopted, designed to stop the habitual practice of the shopkeeper members giving each other orders for supplies or work, or actually appointing each other to the salaried offices in their gift.[1] Unfortunately the Standing Orders could always be suspended, and we are told by a newspaper critic in 1826 that this course was habitually taken. "Whenever a case arises in which they ought to be strictly enforced, some Honourable Member rises in his place and moves that they be suspended, and, as a matter of course, they are suspended accordingly. . . . Whenever any snug situation . . . is declared vacant . . . any member of the Court . . . persuades some kind friend . . . to move that in his particular case the Standing Order may be suspended. . . . The Court finds it impossible to resist an appeal of this kind, as it is made on the principle, 'Do this for me to-day, and I will do as much for you another time.' It is this friendly feeling and disposition to oblige each other that has distinguished the Court of Common Council beyond any other representative body."[1] It is clear that, right down to the end of the period that we are considering, even if the Common Councillors did not, as was alleged, "devote their whole time to job away the places of honour and profit in the gift of the Corporation to their relations, friends, and partisans,"[2] the power of doing so remained one of the most prized perquisites of the office.[3]

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[1] It was only with great difficulty and long delay that any such Standing Order was carried; and constant attempts were made to whittle it away. We have already mentioned the rejection of the proposal in 1739. For many years the only check was the simple rule, "no artificer to be of any committee to audit bills" (Journals of the Court of Common Council, 1737, vol. lviii. p. 177). In 1773 a motion that no member should be capable of being elected to any place or office of profit in the gift of the Court was debated, adjourned, and negatived (*ibid.* 9th and 15th June 1773, vol. lxvi. pp. 20, 25). In 1776 such a self-denying ordinance was proposed in the limited form of preventing any member of a committee from undertaking work for that particular committee; and carried with the addition, "no placeman or servant of the City to be on any committee" (*ibid.* 9th February 1776, vol. lxvi. p. 285). Even in this limited form it was strenuously objected to, and an unsuccessful attempt was immediately made to rescind it (*ibid.* 15th February 1776, vol. lxvi. p. 289). Nine years later it was resolved that "no purchased place" was within its meaning (*ibid.* 12th July 1785); nor yet the lucrative offices of Corn and Coal Meters (*ibid.* 3rd May 1787). In 1787 it had to be specifically enacted that no vintner who was a member of any committee should be employed by that committee (*ibid.* 15th February 1787). It was not possible to carry a resolution making any Member of the Court ineligible for nomination or appointment to any paid office in its gift, until the very end of the eighteenth century (*ibid.* 25th November 1796). Down to 1796 the most that could be carried was that no member should be permitted to be put in nomination for any place of emolument "unless he shall have previously agreed to resign his seat" (*ibid.* 1784, vol. lxix. p. 205); and in 1793 it had to be enacted that if any member was elected Tradesman or Placeman and continued his seat in the Common Council, his appointment was to determine (*ibid.* 24th October 1793). The spirit in which the matter was viewed may be seen in the motion, formally made but not actually adopted, that no member should be allowed to be a candidate for a paid office until he had served five successive years (*ibid.* vol. lxxvi. p. 252; vol. lxxviii. p. 112).

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[1] See No. 629 of "Sketches of Aldermen, etc.," among the MSS. in the Guildhall Library. Instances of such suspension may be seen in Journals of the Court of Common Council, 15th February 1776 (vol. lxvi. p. 295). Even when a public advertisement was issued, the appointment had sometimes been virtually disposed of in advance, all mention of the impending vacancy being kept back until the candidate favoured by the Committee had privately secured enough promises of support. In 1826 this was carried so far that the Court itself passed a resolution censuring the Irish Society for its conduct ("Sketches of Aldermen, etc.," No. 629 of the MSS. in Guildhall Library).

[2] *The Necessity of Reforming the Corporation of London Demonstrated*, by a Citizen, 1843, p. 13.

[3] In 1843 a list was compiled of 33 lucrative offices held by 2 ex-Aldermen, 15 ex-Councillors, and 16 sons, brothers, or nephews of Aldermen or Councillors (*The Necessity of Reforming the Corporation of London Demonstrated*, by a Citizen, 1843, p. 14). The following lurid vision of nepotism and jobbery was given by a hostile witness in 1854. We believe that much the same could have been said in 1835, if the Municipal Corporation Commissioners had been as inquisitive and as frank about London as they were about other municipalities. "The Chamberlain is an Alderman, or was an Alderman at the time of his election; the Clerk to the sitting Justices was late an Alderman; the Rectory of St. Peter's Cornhill (in the presentation of the Corporation) is held by the son of an Alderman; the Governor of the Debtors' Prison is the nephew of an Alderman; the Vicar of Christ Church is the nephew of an Alderman; the Clerk to the Fellowship of Free Porters is the nephew and partner of an Alderman; the Surgeon to the Police Force is the brother to an Alderman's partner; the City Comptroller was a Common Councilman; the City Solicitor was a Common Councilman; the High Bailiff of Southwark was a Common Councilman; the Commissioner of Police was a Common Councilman; the Sword-bearer was a Common Councilman and Deputy; the Secretary to the Irish Society was a Common Councilman; the two Bridgemasters were both Common Councilmen; the Keeper of the Green Yard was a Common Councilman; the Housekeeper at the Sessions House was a Common Councilman; the Keeper of the Monument was a Common Councilman; the Upholsterer to the Corporation was a Common Councilman; the Clerk of the Court of Requests was a Common Councilman; the Superintendent of Mooring Chains was a Common Councilman; the Common Crier was a Common Councilman; the Fruit Meter was a Common Councilman; the Beadle of the Coal Exchange is the son of a Common Councilman; the Clerk Sitter is the son of a Common Councilman; the Clerk to the Navigation was the son of a Common Councilman; the Gresham Lecturer on Astronomy is the son of a Common Councilman; the City Carpenter is the son of a Common Councilman; one of the Clerks to the Commissioners of Sewers is the son of a Common Councilman; the Messenger to the Irish Society is the son of a Common Councilman; the Principal Clerk to the Commissioners of Sewers was the son of a Deputy; the Clerk to the Corn Meters in trust is the son of a Deputy; the District Surveyor is the son of a Deputy; the Collector of City

The Common Councilman whose fortunes we have been following might, however, be too scrupulous or too wealthy to care to participate in the somewhat sordid perquisites and pleasures of City administration. He might have climbed to the top in Ward politics with a view of becoming eventually one of the four representatives of the City in Parliament and taking his part in national politics. In that case he would perhaps concentrate his efforts on getting drafted and passed various loyal addresses to the Crown, or indignant petitions calling for the dismissal or impeachment of Ministers, according as he belonged to the Court or the Popular Party.[1] He would quickly take account of the fact that the Court of Common Council was mostly "against the Government." During the whole period, indeed, from 1689 to 1835, this was its attitude except for a few short intervals. The City was proud of the fact that, in the days when the House of Commons was anything but a representative assembly, the Court of Common Council furnished the most prominent platform for the expression of the popular will. The Court had, it must be owned, no sort of modesty in giving utterance to its views, and, in spite of its own manifest shortcomings in the management of civic affairs, no qualms of doubt as to its qualification for forming a sound judgment on every issue of national politics. Whether it was objection to the excise or to concessions to the Jews, whether it was desire for war with Spain or for peace with France, the Common Council felt the issue to be as much within its competence as the grant of a lease or the fixing of a toll.[2] It is characteristic of the political

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Wine Dues is the brother of a Common Councilman; the Governor of Newgate prison is the brother of a Common Councilman; the Printer to the Corporation is the brother of a Common Councilman; the Gresham Lecturer on Music is the brother of a Common Councilman; the Water Bailiff is the nephew of a Common Councilman" (Report and Evidence of the Royal Commission on the Corporation of London, 1854, p. 29). Such evidence seems exaggerated, but the City Solicitor, after taking time to prepare a defence, only impugned the accuracy of this statement in respect of three out of the thirty-seven instances cited (*ibid.* pp. 799-800).

[1] See the elaborate editions of City Addresses, ordered by the Corporation to be printed in 1770, etc., or the later *Addresses, Remonstrances, and Petitions to the Throne presented from the Court of Aldermen, the Court of Common Council, and the Livery in Common Hall assembled*, 1865.

[2] Horace Walpole was indignant at the Common Council presuming to speak on behalf of the City of London, and to "usurp the right of making peace and war . . ." (Walpole to Conway, 26th October 1761; the same to Horace

aspirations of its members that what most roused their resentment in the Act of 1725, which we have already described, was not so much the restraint upon their management of the City property, or upon their Municipal administration generally, as the Aldermanic Veto upon their right to petition the King and Parliament upon issues of national policy. "Consider, gentlemen," fervently declared on one occasion Sheriff Heathcote, the chief leader of the Commoners, "that it is in the power of a majority of the Court of Aldermen to put a stop to the most vigorous efforts of your public virtue. It is in their power to prevent your setting that example to the nation which may one day animate it with a proper spirit. Not all the convictions of common sense, nor the universal voice of mankind, nor the apparent and approaching ruin of Liberty, can avail you to procure justice from Parliament, should a corrupted majority [among the 26 Aldermen] prevail in putting a negative upon your presenting your just complaints and remonstrances."[1] When the obnoxious veto was removed in 1746, the political addresses and the instructions to the City representatives in Parliament went forward with renewed vigour, and, notwithstanding the competition, from 1769 onwards, of the Court of Common Hall, which we have already described, they continued to be a prominent feature of the business of the Common Council down to our own day. Especially from the early years of the nineteenth century do we find a continuous series of Radical resolutions protesting against the influence and extravagance of the Court, against the monstrous Civil List and the innumerable sinecures, against the standing army, against the suspension of the

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Mann, 14th November; *Letters*, 1891 edition, vol. iii. 457, 459; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. iii. 71). They would even write history as well as make it. "The good City of London," wrote Walpole in 1744, "who from long dictating to the Government are come now to preside over taste and letters, have given one Carte, a Jacobite parson, £50 a year for seven years to write the History of England, and four Aldermen and six Common Councilmen are to inspect his materials and the progress of the work" (Walpole to Mann, July 1744). When the first volume appeared, in 1748, objection was taken to a casual expression in it as implying Jacobite sympathies; whereupon the Court of Common Council withdrew its offer (*London in the Jacobite Times*, by Dr. Doran, 1877, vol. ii. pp. 105, 250; *Gentleman's Magazine*, vol. xiv. 1744, p. 393, vol. xviii. 1748, pp. 13, 185; Birkbeck Hill's edition of *Boswell's Life of Johnson*, 1887, vol. i. p. 42).

[1] *History of London*, by William Maitland, vol. i. p. 601 of edition of 1756.

Habeas Corpus Act; and in favour of "economy and reform," free trade in corn,[1] and the abolition of the Income Tax, "the most unjust, inquisitorial, and degrading impost that ever harassed or oppressed this or any other nation."[2] The Corporation's pertinacious and turbulent championship of Queen Caroline came near to rebelliousness.[3] But every national grievance was made an argument in favour of Parliamentary Reform. In 1816 a special meeting of the Common Council declared "that the present distress and exhausted state of the country far exceeds all precedent, and forebodes consequences the most dreadful and alarming"; that the "present complicated evils . . . are the natural effect of rash and ruinous wars, unjustly commenced and pertinaciously persisted in, when no national object was to be obtained—of immense subsidies to foreign powers to defend their own territories—of a delusive paper currency—of an unconstitutional and unprecedented military force in time of peace—of the unexampled and increasing magnitude of the Civil List—of the enormous sums paid for unmerited pensions and sinecures, and of a long course of the most lavish and improvident expenditure of public money throughout every branch of the government—all arising from the corrupt and inadequate state of the representation of the people in Parliament, whereby all constitutional control over the servants of the Crown has been lost, and Parliaments have become subservient to the will of the Ministers."[4] Finally, we see them in 1830, after the revolution in France, with its three days' fighting in the streets of Paris, invited by one of their members to congratulate the inhabitants of that City on the "patriotic conduct" which they had displayed in their "prompt and energetic resistance of those arbitrary ordinances," and on "the noble forbearance and marked discretion which they manifested in the hour of triumph," which has "entitled them to the admiration and gratitude of every friend of constitutional freedom and social order."[1] The Court of Common Council became, in fact, from the termination of the Napoleonic wars right down to 1835, the sounding-board of political Radicalism.

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[1] The Corporation's free trade principles did not extend either to its own monopolies or to those of the Port of London. When in 1814 the Elizabethan restriction of trades to duly apprenticed persons was repealed, the Common Council stipulated with Serjeant Onslow, who was promoting the Bill, for a clause maintaining the restriction as regarded the City of London (Journals of the Court of Common Council, 5th May 1814). And when, in 1812, it was proposed, in renewing the East India Company's Charter, no longer to confine the East India trade to the Port of London, the Common Council protested loud and long (*ibid.* 9th May 1812). "The market of India," they incidentally observed, "is altogether incapable of extending the consumption of British manufactures beyond the present demand."

[2] *Ibid.* 23rd March 1816.

[3] *Ibid.* 31st May 1821.

[4] *Ibid.* 28th November 1816. This petition, of which we have given only a small part, was carried by 81 to 3. When presented at Carlton House the Prince Regent received it "with strong feelings of surprise and regret"—words duly entered in the Journals, 20th December 1816.

The Court of Aldermen

Ambition to take part in the councils of the nation would at no time have been much furthered by even the most strenuous participation in the debates of the Court of Common Council. For the whole period between 1689 and 1835 it was the Court of Aldermen[2] which dominated, and, indeed, nearly monopolised, the representation of the City in Parliament. Hence the ambitious City politician would keep a sharp look-out for a pending Aldermanic vacancy in his own Ward, or perhaps in one of the poorer Wards, in which none of the "Ward politicians" possessed the customary qualification of wealth.[3] Once elected an Alderman he would find himself transported to quite another atmosphere and concerned with quite another kind of business than those to which the Common Council had accustomed him.[1]

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[1] Journals of the Court of Common Council, 23rd September 1830. But, as a contemporary diarist recorded, this was too much for "even the Common Council," which "decided against congratulating or noticing the French people" (*A Political Diary*, by Lord Ellenborough, 1881, vol. i. p. 367, 24th September 1830).

[2] The MS. "Repertories," which are minutes of its proceedings, are the principal source of information relating to the Court of Aldermen. These valuable records, which begin in 1495, are provided with an elaborate analysis in many volumes, called the Index to the Repertories. As the Repertories are often cited by the number of the volume only, and as one volume is devoted to each year, it may be convenient to state that "Rep. 94" relates to 1688-1689 and "Rep. 239" to 1834-1835. Much information as to the status and duties of the Court of Aldermen, and of the Alderman of the Ward, is to be found in the Second Report of the Municipal Corporation Commission, 1837, pp. 67, 136. The Repertories did not begin to be printed until 1853, though the Court was opened to reporters in 1835.

[3] An Alderman had to be a Freeman of the City, born within the Kingdom and the son of an Englishman (*Survey of London*, by John Stow, vol. ii. p. 156 of Strype's edition of 1720); but he did not need to be a householder, or even a resident, either in his own Ward, or anywhere within the City. Of the 26 Aldermen in 1833, only 18 had their residences or establishments in the City (eleven within their own Wards), whilst 4 had formerly had such. The

Compared with the noisy and "inflammable"[2] debates of the City "Commoners" and the busy intrigues of their committee rooms, the weekly meetings of the Court of Aldermen were noticeable for their dull decorum of procedure and their lethargic impartiality towards both men and measures. These characteristics were due partly to the kind of persons who became Aldermen, partly to the life-tenure of their office, and partly to the nature of their work. From 1689 to 1835 the Aldermen were, even at their election,

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other 4 had never had either residence or establishment in the City. In 1674, and again in 1723, Bills had been proposed in the Court of Common Council to compel the Aldermen to live within the City. The Aldermen had each time formally protested by the Recorder, and the Bills were not proceeded with (*Opinions of the Officers of the Corporation*, 1847; "Opinion of Mr. Town Clerk," p. 32). There was no actual property qualification, but by Act of Common Council of 1710 a person was allowed to make excuse on swearing that he was not worth £15,000; and this sum was, by similar Act of 17th April 1812, raised to £30,000. The oath, too, is said to have contained an engagement not to sell victuals by retail. Otherwise, service was nominally compulsory, though no case of enforcement occurred after 1689 (Second Report of Municipal Corporation Commission, 1837, p. 32; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, 1854, chap. iii.). Down to 1397 the Ward elected its Alderman directly; then it was required to nominate persons (two until 1402, four from 1402 until 1711, two from 1711 until 1714) out of whom the Mayor and Aldermen chose one; by Act of Common Council of 1714 the direct election by the Ward was restored (*The Aldermen of Cripplegate Ward from 1276 to 1900*, by J. J. Baddeley, 1900).

[1] The Corporation of the City of London comes nearest to that of Norwich in possessing something like a bicameral system. Coke, indeed, once referred to the Court of Common Council as consisting "of two houses, the one of the Mayor and Aldermen, the other of such as be of the common assembly, resembling the whole Commonalty of London." But historical research yields no confirmation of this view. There is no evidence of the existence of an assembly of which the Aldermen did not form part, though it is fair to say that the Charter of 1342, confirmed by statute of 1383, gave the power of making By-laws to the Mayor and Aldermen, with the assent of the Commonalty. But there is no reason to suppose that London at any time possessed two distinct and mutually exclusive assemblies, whose concurrence was necessary to legislation. The Aldermanic "Negative" in London was more analogous to the power of the "Lords of the Articles" in the Scottish Parliament. More warrant for the claim to a bicameral constitution might perhaps be found in the tradition that "thirteen Aldermen and a majority of each definite body should be present to constitute a legal Court of Common Council." This, however, is not supported by usage, which requires the presence only of the Lord Mayor, two Aldermen, and forty Commoners (*Opinions of the Officers of the Corporation*, 1847; "Opinion of Mr. Common Serjeant," p. 2; "Opinion of Mr. Town Clerk," pp. 27-29).

[2] "The men of Wolverhampton were not so inflammable as the Common Council of London" (Birkbeck Hill's edition of Boswell's *Life of Johnson*, 1887, vol. ii. p. 164).

almost invariably elderly men whose energies had been dulled by hard work and the keenness of their struggle to amass wealth, and whose opinions had been tempered by the material prosperity which they had won. Most of them had combined "Ward politics," or City administration, with buying and selling on a scale which, even if it was merely retail shopkeeping, had enabled them to accumulate at least the twenty or thirty thousand pounds which was commonly regarded as the very minimum fortune on which a man could aspire to the Aldermanic dignity. Many of them were really wealthy—some, indeed, like Harley and Beckford, were the millionaires of their generation. Now and again, other notable "outsiders" from Ward politics—such as Edward Gibbon[1] or John Wilkes—moved sometimes by public spirit, sometimes by party interest, would consent to don the Aldermanic gown. Nor did the Aldermen invariably continue rich. Individual members, with speculative fortunes or unlucky in their business ventures, might even become bankrupt and be glad to receive the pension which the Court in such cases often bestowed.[2] But these eccentricities on either side of the mean line of humble origin and present wealth, dull intelligence and bourgeois respectability, became, we infer, less frequent towards the end of the period that we are considering.

The Court of Aldermen, presided over by the Lord Mayor, considered itself in 1689 as the supreme authority in all parts of the City government. It claimed, as we have seen, to control the proceedings of the Court of Common Council; to decide when that Court should meet and what business should be brought before it; to discuss the resolutions that it passed, and to negative such of them as seemed inexpedient. These pretensions were, to a great extent, upheld by Parliament in the Act of 1725,[1] and though the Aldermen in 1746 consented to a repeal of "the Negative," the Court did not feel that it was thereby abandoning its position of supremacy in any but purely "legislative" acts. From first to last it maintained its right to control the entry into the Corporation. It judged the validity of all elections to Ward or Corporation offices, including membership of the Common Council and of its own body. It had the function of "admitting" to office or status every successful candidate, from the inhabitant who wanted merely to become free of the City, and the citizen who sought the place of "City Artificer," to the newly elected Alderman, the Sheriffs, or the Lord Mayor himself. This right to "admit" to office amounted, as the Court of Aldermen always claimed, to a right of veto upon any candidate whom they deemed unfit, even after popular election. Nor was this right of rejection a mere form. There are not a few instances between 1689 and 1835 in which the Court of Aldermen rejected, as unfit for office, a candidate duly elected by his Ward to be an Alderman; and the Court of Aldermen equally claimed to be entitled to exercise a free choice between the two Aldermen who were submitted by the Court of Common Hall for one of them to be elected as Lord Mayor.[2] Throughout the whole century and a half the Court of Aldermen controlled all the subsidiary tribunals of the City. By its own officer, the Recorder, it held the ancient "Court of Lord Mayor and Aldermen of the Outer Chamber"—the Lord Mayor's Court as it was popularly termed—in which the Lord Mayor and Aldermen were nominally themselves the judges, having cognisance of all personal and mixed actions arising within the City, and administering the various peculiar legal "customs" of the City.[1] The Court of Aldermen was responsible for all the arrangements of the Court of Husting and of the two Sheriffs' Courts or "Compters," of which the legal business was, already in 1689, becoming obsolete.[2] The

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[1] Gibbon says of his father, who was M.P. 1734-1741: "With the Tories he gave many a vote, with them he drank many a bottle; and the interest of his party engaged him to assume for a while an Alderman's gown in the City of London" (*Autobiography of Edward Gibbon*, 1896, Memoir C, p. 217).

[2] Alderman John Ansley, elected Alderman of Bread Street Ward in 1800, Sheriff 1806, and Lord Mayor 1807, was twice a bankrupt, and three times passed through the Insolvent Debtors' Court; "the last time of his passing, was remanded back for a lengthened period for contracting debts without a prospect of paying them. After this last remand he was thought too bad for the Court of Aldermen, so overtures were made to him to resign his Aldermanic gown, and as it was of no use allowing him a pension, as that would have been immediately seized by his creditors, the Court of Aldermen voted Mrs. Ansley, his wife, £300 per annum, which it appears they have the power of doing without the concurrence of the Court of Common Council" ("Sketches of London Aldermen," No. 629 of MSS. in Guildhall Library; compare Second Report of Municipal Corporation Commission, 1837, p. 32). The Court of Aldermen had always power to deprive an Alderman of his office. Such an "amoval" took place in 1783, in the case of an Alderman who was imprisoned for debt; and the Court of King's Bench upheld it (R. *v.* The Mayor and Aldermen of London, *Reports of Cases, etc.*, by S. Douglas, vol. iv. 1831, p. 360).

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[1] 11 George I. c. 18.

[2] The Court of Aldermen successfully maintained their right to exclude from the Aldermanship any person whom they chose to deem unfit to support the dignity and discharge the duties (R. *v.* Johnson, *Reports of Cases, etc.*, by C. H. Maclean and G. Robinson, vol. i., 1840, p. 1; Scales *v.* Key, *Reports of Cases, etc.*, by T. E. Perry and H. Davison, vol. iii., 1841, p. 505). In default of a proper choice, the Court itself filled the vacancy. This was already the custom in 1419; see *Liber Albus*, by H. T. Riley, 1861, p. 35. The Court was less really successful in maintaining a right of vetoing the popular choice for Lord Mayor. Thus, when in 1798 the Court of Aldermen passed over the senior of the two chosen for Lord Mayor by the Court of Common Hall, though he was next in rotation, and chose the second nominee, it gave way in the following year, when the Court of Common Hall persisted. Twice between 1800 and 1833 the Court of Common Hall insisted on the re-election of a popular Lord Mayor for a second term, against the objection of the Court of Aldermen. On the latter occasion (1831), the Liverymen had their

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way after three successive pollings (Second Report of Municipal Corporation Commission, 1837, p. 30).

We may gain a vision of what actually happened on these occasions, when the Lord Mayor, Aldermen, Recorder, and Town Clerk withdrew from Common Hall to make their choice between the two nominees of the Liverymen. Richard Hoare describes for us in his diary the scene in 1740. "The method of voting is by each Alderman going up to the Recorder and Town Clerk, who sit at a separate part of the room, and telling the person he would choose, a scratch is made under each respective name. Accordingly I began as junior Alderman; and when the numbers were cast up it appeared that eight only had voted for Sir Robert Godschall and eleven had voted for George Heathcote, Esq., the junior Alderman of the two returned. Upon this Mr. Heathcote rose up and desired to be excused" (*A Journal of the Shrievalty of Richard Hoare, 1740-41*, edited by Sir R. C. Hoare, 1815, pp. 7-8). The procedure had apparently remained unchanged for three or four centuries; see *Liber Albus*, by H. T. Riley, 1861, p. 18.

[1] The principal of these peculiar customs which had survived into the eighteenth century were those known as Foreign Attachment (which formerly prevailed also at Bristol, Exeter, Hereford, Lincoln, Waterford, and the Cinque Ports); that of every retail shop being "Market Overt" as regards the goods usually sold therein; that by which married women carrying on trade were liable to be sued, and were able to take apprentices (the latter prevailing also at Exeter); and that of the married woman's action for slander as to her chastity (prevailing also at Preston and Torksey) (Second Report of the Municipal Corporation Commission, 1837, pp. 123 and 129; *Concise Treatise on the Courts of Law of the City of London*, by Thomas Emerson, 1794, p. 57; *Treatise upon the Customary Law of Foreign Attachment*, by Woodthorpe Brandon, 1861; *The Lord Mayor's Court*, by Woodthorpe Brandon, 1876; *Borough Customs*, by Mary Bateson (Selden Society, 1904-1906), vol. ii.).

[2] *Liberties, Usages and Customs of the City of London*, by Henry Calthrop, 1642 and 1674; *Concise Treatise on the Courts of Law of the City of London*, by Thomas Emerson, 1794; Second Report of Municipal Corporation Commission, 1837, p. 123. In 1833 the Court of Husting, "the most ancient Court in the City," though still nominally held twice a week, for "pleas of land" and "common pleas" respectively, had become a mere formality. "Of late years," said its sinecurist clerk, "the legal business has consisted only of actions of replevin. . . . It has appellant jurisdiction by writs of error over judgments given in the Sheriffs' Courts. . . . Wills and deeds may be enrolled" (Return of G. T. R. Regnal, Clerk to the Court of Husting, to the Select Committee on the Election of Aldermen, in the City Archives, No. 121).

Court of Aldermen fixed the meetings, arranged the business, and paid the costs of the Courts of Conservancy of the river Thames, which the Lord Mayor held eight times a year in the four adjoining Counties, with occasional Courts in London itself.[1] It appointed the members (two Aldermen and twenty inhabitant householders) of the Court of Requests, which dealt with petty debt cases.[2] It acted, on behalf of the Corporation, as Lord of its Manors and Liberties; holding, for instance, the Manor Courts of Southwark, Finsbury, East and West Smithfield, Glasshouse Yard (Holborn), and St. James's, Duke's Place (Aldgate); appointing the Stewards, Bailiffs, and other officers; and directing the holding of the various Fairs, with their Courts of Pie Powder.[3] The Court of Aldermen, moreover, controlled the several "Courts of Wardmote," directing the Lord Mayor to issue precepts to the individual Aldermen as to the time and manner of holding these Courts, the subjects to be dealt with, and the charges to be delivered to the Inquest Juries. It was to the Court of Aldermen, as we have seen, that the Inquest Juries made their returns, and oppressed citizens made their complaints. The Court served, in fact, as a tribunal of appeal from all the decisions of the Wards. It thus assumed to itself the power of adjudicating on the obligations of individual inhabitants to serve in the unpaid offices of the Parish or Ward, and upon the assessments on which they paid their rates. Moreover, the Aldermen issued the ale-house licences for the City; at first individually, each Alderman for his own Ward; and then collectively, as a Court, practically on the recommendation of the Alderman for the Ward.[1] Most important of all, at the beginning of the eighteenth century, was the work of the Court in adjudicating in disputes between the various Companies, and between the Court of a Company and the persons who were its members, or desired to become its members, or on whom the membership was to be imposed. Finally, the Aldermen themselves were the Justices of the Peace for the City,[2] and the Court of

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[1] Second Report of Municipal Corporation Commission, 1837, p. 134; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, p. 325 of edition of 1854.

[2] This Court is remarkable as having been set up in 1517 by the Corporation itself, and as having acted without statutory authority for nearly a century (Act of Common Council, 9 Henry VIII. 1517; Statutes of 2 James I. c. 14 (1604); 3 James I. c. 15 (1605); 14 George II. c. 10 (1741); 25 George III. c. 45 (1785); 39 and 40 George III. c. 104 (1799), and 5 and 6 William IV. c. 94 (1835); Report of Committee to Court of Common Council, 29th July 1774; *Regulations for the Conduct of . . . Court of Requests*, 25th March 1791; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, pp. 203-207 of edition of 1854; *Complete History and Survey of London*, by H. Chamberlain, 1770, pp. 184, 211, 308; *History of London*, by W. Maitland, 1756, vol. i. pp. 226, 283). From the close of the seventeenth century, the importance of this and of other Metropolitan Courts of Requests or Courts of Conscience was diminished by the growing practice of the great Palace Court at Whitehall, the jurisdiction of which extended over a radius of twelve miles (*The Jurisdiction and Practice of the Marshalsea and Palace Courts*, by W. Buckley, 1827, p. 22).

[3] For the Courts held in St. James's, Duke's Place, see *A Journal of the Shrievalty of Richard Hoare, Esquire, 1740-41*, edited by Sir R. C. Hoare, 1815, p. 72; for that of Finsbury, see MS. Minutes of the Court, 1746-1838, and Repertories, vol. xcix. 9th April 1695; vol. cxxvii. 12th March 1723; for that of Smithfield, see MS. Minutes of the Court, 1763-1788; and, for all of them, see Second Report of Municipal Corporation Commission, 1837, p. 136; *Ancient Remains, etc., of the City of London*, by Henry Thomas, 1830. A picture of the sitting of the Court of Pie Powder at Bartholomew Fair is given in the *Modern History of the City of London*, by C. Welch, 1896, p. 143.

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[1] This jurisdiction must have been exercised as Alderman, not as Justice of the Peace; as the Aldermen were not all Justices until 1742, and even such of them as were Justices could not, as Justices, individually have issued licences. (A similar exercise of authority in licensing is found among the Aldermen of Norwich.) In 1694 the Court directed its members not to grant licences in their respective Wards for more than a year, nor to any but Freemen or their widows (Repertories, vol. xcviii. pp. 67, 74). In 1751 we find the Court of Aldermen itself granting the licences on the Ward lists presented by the several Aldermen (*ibid.* vol. clv. pp. 159, 437; vol. clxvii. p. 132).

[2] It is not easy in all cases to disentangle the ancient authority of the Alderman in his Ward from the more modern powers derived from his appointment as a Justice of the Peace. By 39 Elizabeth, c. 3 (1597), and 43 Elizabeth, c. 2, sec. 8 (1601), for instance, certain functions connected with the relief of the poor, elsewhere assigned to Justices of the Peace, are expressly conferred upon the Aldermen of the City of London within their several Wards. For several centuries only a few of the Aldermen were Justices, but they seem nevertheless (like the Aldermen of Norwich) to have exercised collectively some functions (of which we have already mentioned the licensing of ale-houses) normally performed only by Justices. By the Charter of 1609, confirming a previous arrangement which had been in force for at least a century and a half, only the Lord Mayor, the Recorder, and those Aldermen who had passed the chair, were Justices of the Peace and of the Quorum. In 1638 the three next senior Aldermen were added by Charter; and in 1692 six more who had served as Sheriff. This left, in practice, usually only four or five Aldermen who were not Justices; so that the Charter of 1742, making all of them Justices, and that of 1751 making all of them of the Quorum, involved no great change. Those Aldermen who had passed the chair were (with the Lord Mayor) also Justices for Southwark, but only concurrently with the Justices for the County of Surrey. This led to constant disputes with the Surrey Justices (see, for instance, *Gentleman's Magazine*, 1786, vol. lvi. part i. p. 77). The Aldermen clung to this remnant of jurisdiction, and, in the nineteenth century (besides holding their own quarterly sessions in Southwark by a rota), appointed two of themselves to be "acting magistrates for Southwark" and joint "Justices of the Bridge Yard" (a small spot of Southwark claimed to be within the City), at a salary of £400 per annum each, in return for which they attended daily. It was, how-

Aldermen regulated the procedure, paid the expenses and arranged the meetings of the Sessions, whether Quarter Sessions, Special Sessions, or Petty Sessions. The Court of Aldermen, in fact, served as the deliberative organ of the Justices, in much the same way as did, in other counties, the private meetings of the Justices in Quarter Sessions, as contrasted with their proceedings in open Court.

But if an enterprising citizen had become an Alderman in the first half of the eighteenth century, he would not merely have regarded himself and his fellow-Aldermen as the Supreme Court of the City; he would have taken for granted, what the Common Council freely admitted, namely, that the Aldermen, individually and collectively, constituted the real Executive of the City. We need not repeat what was sufficiently brought out in our account of the Ward organisation, that the Alderman was the "Captain" of his Ward, receiving precepts from the Lord Mayor and insisting on their being obeyed by all the officers of the Ward. He was, in fact, regarded not only as the commander of the Constables, Watchmen, and other armed force, but in the fullest sense as in charge of his Ward.[1] Sitting as a Court, the Aldermen had, in the early part of the eighteenth century at any rate, executive and administrative functions of the first importance. They appointed the Recorder, the clerks to the Lord Mayor and the Justices, the keepers, governors, chaplains and surgeons of all the prisons, and other important officers. It was to the Court of Aldermen that these officers reported any proposals in Parliament or elsewhere that might be inimical to the rights of the Corporation. At a time when practically the whole of local government consisted in the fulfilment of personal obligations, it was the Court of Aldermen that initiated the prosecutions by which these obligations were enforced. Such important

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ever, eventually held that the magisterial jurisdiction of the Corporation over Southwark had been implicitly taken away by the Police Acts (32 George III. c. 53, 1792, to 2 and 3 Victoria, c. 71, 1839, etc.). See Journals of Court of Common Council, 28th October 1841; Second Report of Municipal Corporation Commission, 1837, p. 77; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, pp. 221-223 of edition of 1854; *History of London*, by W. Maitland, vol. i. p. 620 of edition of 1756; *Epitome of the Privileges of London*, by D. Hughson, 1816, pp. 103-106.

[1] There used formerly to be erected in front of his house a painted post, bearing his arms, to designate his house to all who might wish to appeal to him (*London*, by S. and R. Percy, 1823, vol. i. p. 237).

branches of the seventeenth-century City administration as the Orphans' Fund, the hospitals, Gresham College, the prisons, the bridges and stairs, Guildhall and other public buildings, and the still-existing City "aqueducts and conduit water,"[1] were entirely managed by the Court of Aldermen.

As the century went on, an observant Alderman would, however, become conscious that, just as his work as a member of the Court of Common Council was steadily increasing in importance, so his functions as a member of the Court of Aldermen were becoming, slowly but surely, of less real significance. The formal dignity and elaborate ceremony of the Court remained unchanged. Its meetings dropped silently to about one a fortnight, though its committees found themselves summoned once or twice a week. But our Alderman would feel that the business was becoming hollow. He would watch the stream of petitions, presentments and complaints, from Inquest Juries, Ward Officers, Courts of Companies and simple Freemen, diminish in bulk and significance until, by the beginning of the nineteenth century, these once-important items had become mere survivals, cropping up now and again to remind the Court of its half-obsolete jurisdiction. On particular days the officers would read out lists of persons to be nominated to certain offices and present bills for payment, in connection with the subordinate Courts of Justice; but our Alderman would know that these ancient Courts had either ceased to function, or were now held, practically independent of lay control, by the salaried law officers of the Corporation. With the affairs of his Ward, too, the Alderman would find himself less and less concerned, either as a member of the Court or individually, as these affairs passed, first into the hands of the Deputy and the other Common Councilmen of the Ward, and from them to the committee-rooms of the Court of Common Council. Over the administration of the Corporation property, he found the Court of Aldermen having ever less control.[2] The expenditure on street improvements and new public buildings (including bridges) fell, under the successive Local Acts, to "the Lord Mayor, Aldermen, and Commonalty in Common Council assembled." The new services of paving, lighting, cleansing and watching the streets, organised with the proceeds of compulsory rates under the Court of Common Council, completely threw into the shade the dwindling remnants of the Aldermanic authority over orphans and hospitals and other semi-charitable undertakings. Even the authority of the Court of Aldermen, as a constituent part of the Corporation, to incur expenditure in the execution of their remaining functions was, in 1818, rudely challenged by the Court of Common Council.[1]

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[1] Thus in 1695 the Court formally grants "a quill of water" to be laid on to Somerset House for the use of the Queen Dowager, and one to Newgate for the use of the prisoners (Repertories, vol. xcix. part ii. pp. 12, 53).

[2] When in 1811 it was proposed to grant the use of the Guildhall for a great national meeting in favour of Parliamentary reform, the Court of Aldermen found their indignant protest quite unavailing.

But the complacent Alderman would contend that even if his functions as Captain of his Ward and Member of the Court had shrunk up, he yet had to labour and toil harder than ever in the service of the City. If he had been honoured by being chosen to represent the City in Parliament he was assiduous in his attendances at Westminster,[2] and watchful to preserve the rights of the Corporation. He could, indeed, point with pride to the success of the Aldermen Members of Parliament in warding off from the City (in 1786-92) the introduction of the Government's Stipendiary Magistrates;[3] in getting the City exempted in 1829 from Peel's Police Bill; and, most important of all, in defeating the various proposals to inquire into the administration of the property of the Corporation. Moreover, when he was not actually defending the City in the House of Commons, he would be found sitting, sometimes day after day, at the Guildhall, or taking the Lord Mayor's place at the Mansion House, performing the laborious duties of a police magistrate.

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[1] The Lord Mayor acquainted the Court that at a Court of Common Council held on 4th November it was referred to a committee to inquire and report "by what authority, if any, the Court of Lord Mayor and Aldermen draw upon the Chamber of this City for any sum of money without the sanction and authority of the said Court of Common Council" (Repertories, vol. ccxxiii. 15th December 1818). Yet "in former times the Aldermen had the whole and entire management of the City's revenues" (*A Modest Inquiry into the Conduct of the Court of Aldermen, etc.*, by a Citizen of London, 1738, p. 29).

[2] It was ordered, in 1700, that the Court of Aldermen be summoned at "eight of the clock in the morning during this Session of Parliament, for the despatch of the City's business and more convenient attendance of the Aldermen who are Members of Parliament" (Repertories, vol. cv. p. 159, 1700).

[3] *Ibid.* vol. clxxxix. pp. 239, 243, 281; vol. cciii. pp. 144, 218.

The work of magistracy in the City was, in fact, during the eighteenth century, growing enormously in volume and in importance. The characteristic legislation of the century increased the duties of the Justices of the Peace in the City as elsewhere, whilst the great expansion of commerce and traffic made them of ever-increasing consequence. At the same time the innumerable Local Acts that were being obtained from Parliament, relating to the different branches of the City administration, invariably gave summary jurisdiction for their enforcement to the Lord Mayor and Aldermen. It was, indeed, the fact that the Aldermen were becoming so universally charged with magisterial functions of this kind that made them more and more withdraw from attendance at the Executive Committees of the Court of Common Council.[1] To cope with this growing business the number of Justices was increased. In 1691, when of the Aldermen who had not passed the Chair only the three senior could act as Justices, the Court of Aldermen successfully petitioned for a new Charter empowering also the next six Aldermen in seniority to discharge magisterial functions.[2] In 1742 another application resulted in all the Aldermen being made *ex-officio* Justices.[3] In 1738, as "people were often at a loss for a magistrate," and were being driven to resort to the infamous Trading Justices of Middlesex, whose "justice shops" adjoined the City on the East and West,[4] the Lord Mayor appointed two Aldermen in rotation "to attend daily at Guildhall to hear and determine the complaints and controversies of the people without fee, reward, or delays." [5] This excellent system of service in rotation enabled the Corporation to provide, with the help of the Lord Mayor at the Mansion House, throughout the whole of the ensuing century, two efficient police courts where Justices of the Peace could be found on every day of the week. And though the summary justice dispensed by the Lord Mayor and Aldermen at these Courts may have been more of the type of the common-sense decisions of the average man than would have been approved by the professional lawyer, and though their interpretation both of the Poor Law and of the Licensing Acts erred, as we shall elsewhere describe, on the side of laxity, their justice was at any rate pure and disinterested. The Aldermen of the City of London could assert, without fear of contradiction, that from the Revolution to the Municipal Corporations Act, neither official records nor the attacks of hostile governments, nor even the libellous freedom of an unscrupulous press, had ever discovered them guilty in their capacity of Justices of the Peace, of venality, partiality, or oppression. When we recall the infamous iniquities of the Trading Justices of Middlesex down to 1792, and the larger, if less notorious, operations of the Mainwarings and the Mercerons all round the City for another generation, the untarnished rectitude of the magistracy of the City of London must be counted to the Aldermen for righteousness.

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[1] In 1803 we see the Court of Aldermen giving this as a reason for its members not serving on a Committee. "Resolved unanimously that this Court cannot compromise their duty as magistrates so far as to agree that any of its members should unite in a committee with any members of the Common Council for the purpose of directing and controlling all law proceedings and other business to be done for this Corporation by the City Solicitor" (Repertories, vol. ccvii. 25th October 1803).

[2] *Ibid.* vol. xcvi.

[3] *Ibid.* vol. cxliv. pp. 99, 287; vol. cxlv. pp. 116, 338.

[4] *The Parish and the County*, pp. 329, 331.

[5] *Reasons offered to the Consideration of the Worthy Citizens of London for Continuing the Present Lord Mayor*, 1738, p. 18. "The attendance given by such of the Aldermen as are in the Commission of the Peace, at Guildhall, for the speedier despatch of justice," is noticed in 1738 as a great advantage (*A Tour through the Whole Island of Great Britain*, by D. Defoe, vol. ii. p. 374 of edition of 1738). In 1783-1784 the rota was revised, and each Alderman took a week at a time (Repertories, vol. clxxxvii. p. 16; vol. clxxxviii. pp. 80, 92).

The most effective rejoinder to this not ill-founded self-appreciation of the Aldermen as Justices would have been an indictment of them as administrators of the City prisons, for which they were entirely responsible. Howard, and almost every subsequent writer on prison administration, found the City authorities "the most strangely backward in correcting abuses and providing the means of reformation."[1] "Of all the seats of woe on this side Hell," declared Wesley in 1761, "few, I suppose, exceed or even equal Newgate."[2] Nor did the City prisons improve in the generation of prison reform which followed the revelations of Howard. In the authoritative descriptions of 1814-19, the various prisons of the City Corporation still stand out as among the worst and the least reformed of the whole country.[1] To this indictment of parsimonious neglect, continued throughout a whole century, and heedlessly persisted in after repeated revelations of cruelty and oppression, the Aldermen had no answer.[2]

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[1] *Life of John Howard*, by J. Field, 1850, p. 396.

[2] Wesley's *Journal*, 1827, vol. iii. p. 32; Birkbeck Hill's edition of Boswell's *Life of Johnson*, 1887, vol. iii. p. 431. The evils of the promiscuous herding together of prisoners in Newgate had been forcibly pointed out by Mandeville in 1725; see *An Inquiry into the Causes of the Frequent Executions at Tyburn and a Proposal for some Regulations concerning Felons in Prison, and the Good Effects to be expected from them*, by B. Mandeville, 1725, pp. 16-18. A terrible description of lawless oppressions at another prison belonging to the Corporation of the City of London is given in *The Present State of the Prison of Ludgate in London*, by Philopolites (n.d. ? 1725).

Can we now, with any brevity, sum up our general impression of the bench of twenty-six Aldermen who, from 1689 to 1835, formed the head of the Government of the City of London? What they lost in the course of this period as Captains of their Wards and Members of the Court of Aldermen, they gained as Justices of the Peace sitting alone or in Sessions. Whilst retaining their pomp and dignity, they ceased to be the Executive and became merely the Judiciary of the City. In both capacities they showed themselves—in the main—to be well-conducted, stupid folk; too wealthy to be personally corrupt; too kindly disposed not to be foolishly indulgent to particular individuals; too smugly unimaginative not to be carelessly cruel to vagrant and pauper, debtor and criminal. The life tenure of their office and the privacy in which their proceedings were enshrouded constituted at once a protection and a snare. "Like the Inquisition," it was said in 1831, "the Court of Aldermen meets in secret; the members discharge their important public duties removed from the wholesome observation of the public eye; if they were able and public-spirited they would act in public . . . the Court would then be a respected body. . . . Certain it is that the majority of the men who are now members . . . would be immediately dismissed into private life, if they were returned for re-election to men who sent them there. It is now the place of refuge for the pauper peerage of the City. . . . There are men in that Court whose perceptions are so clouded that they cannot put three connected sentences together, who are the subjects of derision when they make their appearance, who would not now be elected for a Constable if they were again sent to their constituents."[1]

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[1] *Nine Letters . . . on the State of the Prisons and Prisoners, etc.* [in the City of London], by Josiah Dornford, 1786; *An Address to the Livery and Citizens of London, etc.*, by the same, 1786; *Letter to the Common Council and Livery of the City of London on the Abuses of Newgate*, by the Hon. H. G. Bennet, M.P. (also in *Pamphleteer*, vol. xi. 1818); Report of House of Commons Committees on Prisons, 1814 and 1815, and on the *State of Police in the Metropolis*, 1816 and 1817; *An Inquiry whether Crime and Misery are produced or prevented by our present system of Prison Discipline*, by (Sir) T. F. Buxton, 1818. Michael Angelo Taylor, M.P., remarked in 1814 that "if the magistracy of London spent on the prisons . . . only a fiftieth part of the money they expended in magnificent entertainments, the unhappy prisoners would soon be in a very different plight" (Hansard, 4th July 1814).

[2] In 1419 the City of London had been in advance of the age in expressly forbidding the Sheriffs to "let the gaol of Newgate to farm," and requiring them to "put there a man, sufficient and of good repute, to keep the said gaol in due manner, without taking anything of him for such keeping thereof, by covenant made in private or openly. And the gaoler . . . shall make oath . . . that neither he, nor any other for him, shall take fine or extortionate charge from any prisoner for putting on or taking off his irons, or shall receive monies extorted from any prisoner" (*Liber Albus*, by H. T. Riley, 1861, p. 41).

So sweeping a condemnation is, however, unfair. We see no reason to believe that the Court of Aldermen was one whit behind the Court of Common Council, either in intelligence or in public spirit. Moreover, whether owing to their usually greater wealth or to the better social position to which they had attained, the Aldermen seem to have been superior to the Commoners, in respect of their indulgence in the more vulgar perquisites of Corporation membership.[2] Compared with the

[1] *Letters to the Liverymen and Housekeepers of London on "Reform the Court of Aldermen,"* 1831. To Francis Place, in 1833, it was "the queer, out-of-the-way, odd sort of thing called the Court of Aldermen ; old men—no, old women, gossiping, guzzling, drinking, cheating, old chandler's shop women, elected for life, and thus in their Corporate capacity made into a little world of their own, for the advantage of which they manage, not legislate" (Francis Place to Joseph Parkes, 8th November 1833, Add. MSS. 35,149, p. 236).

[2] There is some indication that the Court of Aldermen and its subordinate tribunals did not indulge in the usual City "refreshments" at the public expense. As early as 1744 we find, for instance, that "It is ordered that for the future no coffee, tea, or chocolate shall be provided for this Court, or for the Aldermen sitting as Justices, at the City's expense" (Repertories, vol. cxlviii. p. 334, 19th June 1744). So, too, in 1828, "A motion was made and question proposed that the sum of £200 be paid into the hands of Mr. Town Clerk annually, to be distributed by him among such Aldermen as attend the committees of this Court, towards defraying the expense of their coach hire. But the same not being seconded, the question was not put" (*ibid.* vol. ccxxxii. 22nd April 1828). This does not mean that the Aldermen got no "line money" and no dinners. Besides their frequent banquets as members of the Courts of their Companies, and their invariable presence at the gorgeous entertainments given by the Lord Mayor or by the Corporation as a whole, they participated, whenever they chose to be present, in all the festivities and perquisites of the Court of Common Council and its committees. The Aldermen were, in fact, members of so many different bodies, and had so many public engagements, that they necessarily had to pick and choose—and they did so, if we may believe the critics, not always from the highest of motives. "If," says a writer of 1831,

infamous Trading Justices of Middlesex, or with the corrupt Aldermen of Coventry or Norwich, they shine as judges of remarkable integrity and impartiality. Compared with such talented and self-devoted reformers as Paul of Gloucestershire, Zouch of the West Riding, and Butterworth Bayley of Lancashire, and the County Benches by whom these "Leaders of the County" were supported,[1] the London Aldermen appear as administrators at once ignorant and prejudiced, feeble and irregular. Taking it all in all, the elected magistracy of the City of London was, in fact, the quintessence of mediocrity, standing midway between the worst and the best of the Justices of the Peace of the Boroughs and Counties of England and Wales.

The Shrievalty

As an incident in his career the typical Alderman would, one year, serve as one of the two Sheriffs who, to use the words of old Stow, were "the Mayor's eyes, seeing and supporting part of the care which the person of the Mayor is not alone sufficient to bear."[2] To the aspirant to the Mayoralty —and every Alderman looked forward to that high position

"a duty is to be discharged with which no patronage is connected, it is difficult to obtain an Alderman to discharge it. At Common Council meetings, although only two Aldermen out of twenty-five are requisite, the Common Council is often kept waiting, and sometimes obliged to adjourn, because the presence of two Aldermen cannot be secured. But if it is a Court at which patronage is to be dispensed, at which an appointment, however small, is to be made, then the Aldermen are numerous and punctual in their attendance, and, generally speaking, vote together" (*Letters to the Liverymen and Housekeepers of London on "Reform the Court of Aldermen,"* 1831).

[1] *The Parish and the County*, pp. 364-373.

[2] *The Survey of London*, by John Stow, book v. chap. v. p. 89 of Strype's edition of 1720. The best description of the Shrievalty as it really was in the eighteenth century seems to be *A Journal of the Shrievalty of Richard Hoare, 1740-41*, edited by Sir R. C. Hoare, 1815; supplementing the statute 11 George I. c. 18 (1725) and the elaborate regulations contained in the Act of Common Council of 7th April 1748 (see *History of London*, by W. Maitland, vol. i. pp. 664-666 of edition of 1756). For its origin and legal incidents see "The Early Administration of London," in *Geoffrey of Mandeville*, by J. H. Round, 1892, pp. 347-373; *The Commune of London*, by the same, 1899; the papers by Professor Adams and Miss Bateson, in *English Historical Review*, vol. xvii., 1902, pp. 480, 707, and vol. xix., 1904, p. 702; and that by G. J. Turner in *Transactions of the Royal Historical Society*, vol. xii., 1898, p. 117; Second Report of Municipal Corporation Commission, 1837, pp. 36-37; *Laws, Customs, etc., of the City and Port of London*, by A. Pulling, chap. xi. pp. 131-137 of edition of 1854; and *The History of the Sheriffdom of the City of London*, 1723.

—this year of service in the Shrievalty was both a necessary preliminary and a sort of trial trip in the pageants and splendours of the highest civic dignity. Though all the Aldermen who had not yet served as Sheriff were formally put in nomination every year, our Alderman would be aware that, among the dozen or so of his colleagues who had not yet "passed the Chair," his turn for service as Sheriff had been arranged in informal friendly discussion at the Court of Aldermen. The same informal conclave would have settled also, both who should really be his colleague, and which other wealthy citizens, believed to be unwilling to serve, should first be put in nomination, in order to extract from them the customary substantial fine of £400 for the benefit of the Corporation funds.[1] These preliminary arrangements made the election by the Liverymen in the Court of Common Hall, in the great majority of cases, a mere formality, though a score of nominations were always put before the Court, and on the day of election any two Liverymen could nominate any Freeman. Once elected, admitted by the Court of Aldermen, sworn at a Court of Husting in the Guildhall,[1] and formally presented by the Recorder to the "Cursitor Baron" of the Court of Exchequer at Westminster Hall, the two new Sheriffs would make haste to shift all their nominal duties and pecuniary responsibilities to two Under Sheriffs, one for London and one for Middlesex; in practice always two firms of solicitors, who, in return for the fees which they could exact, undertook to perform all the lawful duties of the office and to hold the Sheriffs themselves harmless.[2] Our Alderman would quickly discover that all that he and his colleague really had to do during their year of office was to pay the customary fees to various Corporation officers, to ride about in the gorgeous coaches provided for them, to attend the Lord Mayor on great ceremonial occasions, to take high places at the Assizes and to entertain the Judges, to be present at innumerable City banquets, and to provide their share of the cost of the Lord Mayor's Show and other customary festivities. Long before the year was out, the Sheriffs must have found that, quite apart from the loss of time in senseless ceremonial, their mere out-of-pocket expenses far transcended the fine of £400 levied on those who refused the office. Only very occasionally do we find a Sheriff signalising his year of office by any attempt to interfere with the horrible routine of cruel punishment and corrupt oppression in the prisons for which he was legally responsible. It is as a distinct exception that we read of one worthy occupant of the office in 1783, inspired by the example and precept of John Howard, that in "his capacity of Sheriff, the felons and debtors find a valuable friend in his many wholesome and comfortable regulations he made in the gaols of the Metropolis, which has to thank him for the discontinuance of that awful spectacle, the dragging the unfortunate criminals through the streets to their fatal cart at Tyburn."[1]

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[1] Among those thus deliberately penalised were wealthy Nonconformists, who could not conscientiously take the sacrament required by the Test Act. The propriety of such nominations was frequently discussed; see, for instance, the outburst of pamphlets in 1738-1739 (*A Letter to the . . . Lord Mayor occasioned by his nomination of five persons, disqualified by Act of Parliament, etc.* (by Rev. S. Chandler), 1738; *A Vindication of the . . . Lord Mayor, in answer to* (the above), 1738; *A Brief Inquiry whether it be reasonable to oblige Dissenters to serve, etc.*, 1738; *A Letter to the Citizens of London, etc.*, 1739; *The Case of the Dissenters*, etc., by a Gentleman of the Middle Temple, 1739). In 1748, in order to get funds to pay the extravagant cost of the New Mansion House, many Nonconformists were thus mulcted—the nominees including one who was blind and one who was bedridden, and over £15,000 being extracted in fines (*Historical Account of My Own Life*, by Edmund Calamy, 1829, vol. ii. pp. 272-273). At last the wealthy Nonconformists fought the question in the law courts, and in 1767 obtained from Lord Mansfield a judgment which thenceforth relieved them from the liability to nomination for offices which they were not qualified to serve. But the Corporation did not forgo its source of revenue. It was still possible to trade on the reluctance of busy merchants and bankers to waste the best part of a year in costly and uncongenial ceremonial. "In one instance, a Sheriff who was elected happened to be a person with whom others had strong objections to serve; it is said that on this occasion the fines, from successive refusals, amounted to as much as £10,000" (Second Report of Municipal Corporation Commissioners, 1837, p. 37). A return called for by the House of Commons (reprinted in Report and Evidence of the Royal Commission on the Corporation of London, 1854, pp. 107-111) shows that, between 1800 and 1852, no less than £67,413 was extorted from over a hundred and fifty individuals, who were nominated as Sheriff without their consent, and fined on their refusing to serve. In the years 1814-1815, because, rumour alleged, money was wanted to pay for the great Corporation banquets to the Allied Sovereigns and the Duke of Wellington, no less than £16,280 was so obtained. The fine could be escaped by the nominee swearing that he was not worth a large sum, which was raised to £20,000 in 1799 (Act of Common Council, 11th June 1799).

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[1] See the description in *A Journal of the Shrievalty of Richard Hoare, 1740-41*, edited by Sir R. C. Hoare, 1815, p. 5. In that year the Court was held on a Sunday.

[2] The bargain thus made had sometimes objectionable incidents. "Of late years," we read in 1816, "a practice has obtained . . . for the Sheriffs for the time being to make bargains and contracts with their Under Sheriffs, or to enter into arrangements with them, relative to the defraying the expenses attaching to the office of Sheriffs of the City and County of Middlesex, . . . derogatory to the character of the office . . . likely to be productive of serious evils in the administration of justice, as it is to be feared that persons who by such means should make a purchase of the office, may not be very scrupulous in reimbursing themselves from the public" (Report of Sub-Committee of the General Purposes Committee of the Court of Common Council, 2nd May 1816).

The Right Honourable the Lord Mayor

At length the aspiring Alderman would reach the culmination of his career: he would become "the Right Honourable the Lord Mayor." Amid the blaze of publicity, and the proud consciousness of holding a great position, he might perhaps recall the twenty or thirty years' struggle upwards from his early initiation into the intrigues of the Precinct Meeting; the petty perquisites of the Questman; the pot-house politics of the Ward; the party debates of the Court of Common Council, and the incessant convivialities of its committees; the dull decorum of the Aldermanic bench; and the daily grind of the Justice-room. He would realise his good fortune in having adroitly combined business success with City politics, and in having survived so many quondam colleagues, who had never risen beyond the lower rungs of the long ladder up which he had himself climbed. Now he was at the head of the greatest City in the world; installed in a noble "Mansion House";[2] with painted coaches and gorgeously apparelled attendants at his beck and call; enjoying the same prefix as a peer of the realm, and taking precedence within the City of everybody but the monarch himself; summoned to the Privy Council on great occasions; in constant communication with the Government; not merely entertaining the highest dignitaries in the land, but also singling out for his patronising hospitality the great personages of other countries; dispensing a magnificent revenue from Corporation funds,[3] and yet feeling proud of lavishing, in addition, thousands of pounds of his own in worthily maintaining the splendour of his great office.[1] The exceptional position of the Lord Mayor of London was, indeed, a matter of ancient tradition. The lively Howell in 1657 tells us, "concerning the magnificence, gravity, and state of the Chief Magistrate [of London, that] neither the Praetor

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[1] "Life and Public Services of Thomas Skinner, Esq.," in volume of Collections relating to St. Sepulchre's, in Guildhall Library; see also *An Account of some alterations and amendments attempted in the duty and office of Sheriffs of London and Middlesex, during the Shrievalty of Sir B. Turner and Thomas Skinner*, 1784.

[2] From 1752 onward.

[3] The revenue of the Lord Mayor was made up of a large number of perquisites, including fees of office, contributions exacted from other officers, charges upon

particular receipts, and the sale of City offices, freedoms, etc., the amount of which varied somewhat from year to year. In 1697 the "profits" of the Mayoralty were estimated to amount to £3527 per annum, composed of endless small items. "Out of Bridge House" came £80; "from Chamber," £85 : 6 : 8; "from Cocket Office," £600; "out of Scavage" dues, £173 : 6 : 8; the Gauger of Oil paid £200, the Gauger of Fish £5, ten Coalmeters £800, the Weigher of Hay and Straw in Smithfield £10, and £40 more "in lieu of profits of Great Beam"; the fee for presenting the Sheriffs was £13 : 6 : 8; "measuring linen cloth" yielded £50; "from rents of markets" there was paid £100; "by samples, etc., and Freedoms by Redemption" accounted for £500; sales of places brought in £700; the rent of Bartholomew Fair £100; and there was £60 profit on the printing and circulation of the "Sessions Paper." In 1756-1757 the total of certain emoluments had grown to £3575 (MS. return in City Archives). But there were endless other benefits and privileges. "By prescription the Lord Mayor . . . is entitled to have brought to him a show or sample of all kinds of corn, grain, salt, and all kinds of apples, pears, plums and other fruit whatsoever, and of all kinds of roots eatable of what kind soever, and of all onions and other merchandises . . . measurable brought into the Port of London by water . . . in order that he may be satisfied of the goodness thereof, and ascertain the price at which the same should be sold, and no one is to take such meetable commodities, victual or fuel out of any vessel which arrives in the river Thames without a sample being first carried to the Lord Mayor, and a bill or cocket being signed by the Mayor for the delivery thereof." . . . "By custom, the Mayor is allowed to import two dozen of Westphalian Hams, duty free, and the Sheriffs two dozen" (MS. in City Archives, Office of Mayor, No. 100, 1756-1757). Here is another item of the same sort: "Ordered that Mr. Remembrancer do pay the monies to the several Aldermen for the allowance in respect of landing wines free of duty" (Repertories, vol. ccxxi. p. 650, 29th September 1817).

[1] Notwithstanding his considerable allowances, it was commonly reputed that "the perquisites of a Lord Mayor's chair were not sufficient to buy coals for his kitchen if he lived as a Lord Mayor ought to live" (*A List of the Rooms and Offices bought and sold in the City of London*, n.d.). In the years 1768, 1770, 1772, 1773, and 1774, when the total allowances came to £5731, £4251, £3896, £5647, and £4889 respectively, the actual expenses of the Mayoralty were £7749, £6685, £7592, £9293, and £8226 respectively; or, on an average, £3000 in excess of the receipts. In 1792 Alderman Pickett produced the accounts for the expenses of his Mayoralty, showing that he had received £5523 and spent £10,655 (in vol. xxix. of "London Pamphlets" in Guildhall Library, No. 47). In 1811 an addition of £1500 a year was made (Journals of the Court of Common Council, 4th April 1811). The allowance is now £10,000 a year, which proves no more adequate than the former sums. Including the expenditure usually borne by others, the estimate made by Francis Place in 1833 does not seem so much exaggerated, namely, that the Mayoralty (which he considered a "shabby, paltry, ridiculous City thing") cost to the Lord Mayor himself, to the Sheriffs, to the Corporation and to the Companies, "full £20,000 a year" (Francis Place to Joseph Parkes, 8th November 1833, in Add. MSS. 35,149, p. 236).

of Rome or the Prefect of Milan, neither the Proctors of St. Mark in Venice or their Podestas in other Cities, neither the Provost of Paris or the Margrave of Antwerp, can compare with the Lord Mayor."[1] All this show and glamour has remained down to the present day essentially unchanged, and needs no further exposition here. But in the eighteenth century our Lord Mayor would find himself a working officer in the City administration, and even the pivot on which it all turned. He was supposed to reside in the City during the whole of his year of office, without going to the country even for a single day; and so strictly was this rule observed that we find him in 1731 asking leave of absence from the King, through the Secretary of State, "to go sometimes for a day or two to my house in Middlesex."[2] Every moment of his day was taken up by one public engagement or another. The mere stream[3] of applicants for his signature, as Chief Magistrate for the City of London, must occasionally have kept him writing for hours as hard as a junior clerk. On Sundays he drove in state to one or other of the innumerable City churches.[1] He invariably presided over all the semi-legislative or administrative "Courts" of the City; the Court of Aldermen, the Court of Common Council, the Court of Common Hall, the Courts of Conservancy, even the Court of Wardmote whenever there was an Aldermanic vacancy. During the first half of the eighteenth century he was constantly issuing precepts, either to the Aldermen of the several Wards or to the Masters of the several Companies; some of them merely routine summonses or injunctions in one or other branch of civic administration; others, inspired by the needs of the moment, commanded by the Ministers of the Crown, recommended by the Court of Alderman,[2] or springing from his own initiative. He might signalise his Mayoralty, like the "ever-worthy Sir John Barnard" in 1737-1738, by initiating "new and excellent regulations" for driving the beggars out of the City;[3] or, like another Lord Mayor in 1765, by suddenly enforcing "the Pot Act," summoning all the publicans in the City for using unstamped measures, and fining them ten shillings apiece for the profit of the Corporation.[4] If, however, our Alderman had become Lord Mayor towards the end of the eighteenth century, it would have been his labours as a Justice of the Peace that would have occupied the largest part of his time and attention. Of all the City magistrates the Lord Mayor was the most active and the most incessantly employed, sitting daily at the Mansion House to try cases and deal with innumerable applicants of all sorts. Throughout the anxious years from 1815 to 1832 he would find himself in frequent correspondence with the Secretary of State, as to the prevention of riot and sedition, the practical measures to be taken for the disposal of the discharged soldiers, and the constant succession of plans for mitigating the pest of vagrancy.[1] The burden of work imposed on the Lord Mayor was all the heavier in that he had, in his service, nothing that could be called an efficient or organised staff. Neither the gorgeously apparelled flunkeys, nor, as we shall presently explain, the holders of the multifarious offices of the Corporation, were comparable to the well-trained servitors or the highly expert bureaucracy which now administers the dwindling affairs of the Guildhall and the Mansion House. No small part of the work, for instance, of each successive Lord Mayor, was to see to it that the arrangements for the great festivities over which he had to preside were properly made and carried out. The student may consult the anxious memoranda of the Lord Mayor for 1756-1757 as to the conduct of the banquet on the 9th November. "See that music play as long as company shall approve to dance, and that musicians do not get drunk. Take care that butlers, as soon as company rise from table, do not put out candles on the table, for by means thereof there is great plunder; and you should guard that butlers at 12 set up fresh lights in the porch. Some one should take care that confectioners when they return, do not carry off more than they should in their boxes."[2]

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[1] *Londinopolis*, by James Howell, 1657, p. 395. Three centuries of change left his position unaltered. "The Mayor of London," reported the Town Clerk in 1847, "has always exercised within the City and its Liberties all powers short only of royalty. He has been the head of the executive authority; the president of all the Courts; of all committees when present; and all Corporate meetings; Chancellor as well as Chief Justice, having both civil and criminal jurisdiction, and taking rank in the City next to the Sovereign and above the heir-apparent" (*Opinions of the Officers of the Corporation of the City of London*, 1847, "Mr. Town Clerk's Opinion," p. 8). It seems probable that the title of Portreeve was changed to that of Mayor in or about 1189, and that "Lord Mayor" was not in use before 1540, though York had its Lord Mayor as early as 1389 (see Mr. W. H. St. John Hope's letter to *Times*, 10th December 1901; *The Pageant of London*, by R. Davey, 1906, vol. i. p. 102).

[2] The Lord Mayor to the Secretary of State, 31st October 1731. "The duty of my office as Mayor of London will require my constant residence in the City, but as I may, on account of my health or other extraordinary affairs, have occasion to go sometimes for a day or two to my house in Middlesex, I beg your Lordship's intercession with his Majesty to grant me his licence for that purpose" (Home Office Domestic State Papers in Public Record Office). It was customary at that time for every Sheriff and Lord-Lieutenant similarly to ask permission whenever they wished to absent themselves from their Counties. The Home Office warrant-books have a common form for the necessary licence.

[3] In 1665, in the alarm as to the Plague, "the hurry was so great for some weeks that there was no getting to the Lord Mayor's door without exceeding difficulty, there was such pressing and crowding to get passes and certificates of health, without which none were allowed to pass through towns on the road" (*The City Remembrancer*, 1769, vol. i. p. 310). A view of the duties and daily engagements of the Lord Mayor in 1756-1757 will be found in an MS. volume in the City Archives (Office of Mayor, No. 100). See also *The Order of my Lord Mayor, the Aldermen, and the Sheriffs for their meetings and wearing of their apparel throughout the year*, 1629 (and ten other editions to 1735); *General Matters to be remembered of the Lord Mayor through the whole year* (n.d.); *Ceremonials connected with the Office of Lord Mayor*, 1834; *Ceremonials to be observed by the Lord Mayor, etc.*, 1848, second edition 1864.

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[1] A Whig Lord Mayor in the last decade of the seventeenth century gave great offence by not only "worshipping God publicly with Dissenters," and carrying the regalia of the City to "a nasty conventicle," but also by allowing his action to be defended by the "arrogant reason" that "by the Act of Parliament by which they had their liberties," his religion was "as much established" as that of the Anglicans (*Historical Account of My Own Life*, by Edmund Calamy, 1829, vol. i. p. 400).

[2] Thus, in 1691, the Lord Mayor was by the Court of Aldermen "desired to issue forth his precepts to the Aldermen of the several Wards . . . to require every inhabitant within their respective Wards to hang out their lights according to ancient custom, and to take especial care that the Ward and Parish lights be duly hung out" (Repertories, vol. xcv. 6th October 1691).

[3] *A Tour through the Whole Island of Great Britain*, by D. Defoe, vol. ii. p. 374 of edition of 1738; *Memoirs of the late Sir John Barnard*, 1776, p. 9.

[4] The "Pot Act" was 11 and 12 William III. c. 15, sec. 5 (1700); *History of London*, by W. Maitland, vol. ii. Appendix, p. 57 of edition of 1775.

It would be interesting to know how the Lord Mayor appeared to the successive Ministers of the Crown. We find it part of the fixed tradition of the English Government, at any rate since the Revolution, to treat the Chief Magistrate of the City of London with the most elaborate respect; to be punctilious in according to him all the titles and dignities that the City claims; and for the Secretaries of State even to go out of their way to do formal honour to his pretensions. But what did the polished courtiers, the accomplished diplomatists and the great noblemen who had, from 1689 to 1835, to deal personally with successive Lord Mayors, think of the men whom the City had delighted to honour? The answer is, that with two or three exceptions in a century and a half, these Ministers, like the mass of the citizens, never became aware that the Lord Mayor for the time being had any personality at all. The Lord Mayor, it must be remembered, was not, in reality, the elect of the City of London. In all but a few exceptional cases he had been chosen to be Alderman some twenty years previously, by the machinations of a few Ward politicians, in the scantily attended Wardmote of an obscure corner of the City; and he became Lord Mayor, if he lived, by mere seniority. The succession of pompous, wealthy, over-fed, and dull-witted Aldermen,[1] whom we have already described, was only broken two or three times in a hundred and fifty years by such eccentricities as the wealthy and irrepressible Beckford defying King George the Third; the dissolute but sturdy Wilkes, to whom the obstinacy of a reactionary Ministry had brought the profitable homage of the City;[2] or that blatant bourgeois "patriot" Sir Matthew Wood, who rose to notoriety as the knightly champion of an erring Queen.[3]

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[1] See Home Office Domestic State Papers and Domestic Entry Book in Public Record Office, 1815-1832.

[2] MS. in City Archives (Office of Mayor, No. 100).

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[1] The impatient outburst of the Radical Francis Place, in 1833, cannot be ascribed merely to political prejudice, as the Corporation and the City were at that date Radical in their politics. He declares that "they always catch a fool to make a Lord Mayor of; there is, however, very little difficulty in this fool-catching, as no one who approximated to a wise man would take the office" (Place to Parkes, 8th November 1833, Add. MSS. 35,149, p. 236).

[2] John Wilkes, who had not previously had any connection with City administration, was elected Alderman in 1769; Sheriff in 1771; and Lord Mayor in 1774.

[3] The student will gain some idea of the kind of men who became Lord Mayor between 1689 and 1835 by reading the succinct biographies of the thirty-five least undistinguished of them, contributed to the *Dictionary of National Biography*, by the Corporation Librarian (C. Welch); such separate biographies as *Memoirs of the late Sir John Barnard*, 1776; and the outspoken *City Biography, containing anecdotes and memoirs of the rise, progress, situation and character of the Aldermen*, 1799. *The Lives of Illustrious Lord Mayors and Aldermen of London*, by W. and R. Woodcock, 1846, was unfortunately not continued beyond those of the Middle Ages. There is a satirical "Annals of the Mayoralty of the Rt. Hon. Barlow Trecothick, Esquire," ascribed to the pen of Wilkes, in *Memoirs of John Horne Tooke*, by A. Stephens, 1813, vol. i. p. 191; see *London and the Kingdom*, by R. R. Sharpe, 1894, vol. iii. p. 106. The novel, *The Lord Mayor of London, or City Life in the Last Century*, by W. Harrison Ainsworth, 1862, and the popular sketch, *London in the Eighteenth Century*, by Sir Walter Besant, 1903, afford but little useful vision of the Municipal government.

The Officers of the Corporation

The question arises, What part, amid all these Courts and dignitaries, was played by the officers of the Corporation? For the City of London, far from being free from officialism, was noted, above all other Municipal Corporations, for the number, variety, and costliness of its officers, great and small. There is, indeed, no literary artifice by which we can convey to our readers an adequate impression of the multiplicity of the profitable places which had, by 1689, already been created; a multiplicity which continued undiminished,[1] and even increased, right down to 1835, when the Civil List of the Crown, to which alone we can compare the mayoral establishment, had been itself greatly curtailed. From the Recorder, the Town Clerk, and the Remembrancer, down to the "Water Bailiff's Second Young Man"; from the City Solicitor and the Sword-bearer down to the "Salt Shifter" and the "Keeper of the Green Yard"; from the Steward of Southwark down to the "Common Hunt's Young Man"; from the Surveyor of the Port of London down to the "Deputy Oyster Meter" and the "Yeoman of the Channel"; from the "Clerk Sitter of the Sheriff's Court" down to the "City Waits" and the "City Trumpeters,"—every function, new or obsolete, real or imaginary, had its bevy of office-holders, the great host of them not in the least anxious to serve the public, but seriously in the way if they were unappeased, and clinging like leeches to their vested interests. It was a peculiarity of the City of London that its officers were, as a body, neither chosen by nor responsible to any single organ of the Corporation. The Lord Mayor appointed some, the two Sheriffs others, the Court of Aldermen yet others, whilst others again owed their appointment to the Court of Common Council or its various committees and offshoots, or to the

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[1] *The Names and Addresses of the Officers . . . and also a statement of the customs on elections and other public occasions, 1789.* Even "the Common Hunt," who had formerly kept the civic pack of hounds, was not abolished until 1807 (*London and the Kingdom*, by R. R. Sharpe, 1894, vol. i. p. 332). A convenient table of the officers in 1833, and of the authorities by whom they were severally appointed, is given in the Second Report of the Municipal Corporation Commission, 1837, pp. 28, 66.

Liverymen of the Companies, assembled in the Court of Common Hall. The majority of these offices were, in 1689, and, indeed, for nearly another century, held as freehold possessions, periodically bought and sold for lump sums, sometimes even by public auction. A broadsheet of uncertain date, preserved in the British Museum, enumerates no fewer than 238 separate offices under the Corporation, which were then regularly bought and sold, together with the price "which according to the best information can at present be got."[1] Like the patentees of the Crown, who so long obstructed the business of the public offices, hardly any of the civic office-holders were available to do generally whatever the public service might demand, or were remunerated by a definite salary under the control of their nominal employers. In nearly all cases what these office-holders did was merely to perform, in whatever way they thought fit, the specific duties immemorially attached to their several posts, many of which were entirely obsolete; and what they enjoyed was the right to exact fees from those with whom they were officially brought in contact—fees from every citizen becoming a Freeman or obtaining a licence; fees from merchants and traders at every removal of goods; fees from consumers on their purchases; fees from publicans;[2] fees from prisoners;[1] fees from criminals waiting to be executed; fees from vagrants ordered to be whipped; fees from all the other officers of the Corporation whenever their respective functions impinged one on another; fees from Wardmote officers; fees from the Court of Common Council and its Committees; fees from the Aldermen;[2] fees from the Sheriffs; fees even from the Lord Mayor on his admission to office, on every act that he did, and on his quitting office; fees, in short, on every person that could be reached, for every act that could be obstructed or delayed, on every event that could be signalised by an official presence.[3] We spare the reader all the sordid details of petty corruption and occasional mean oppression to which this tenure of office and method of remuneration inevitably led.[4] What will be clear to the

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[1] *A List of the Rooms and Offices bought and sold in the City of London.* The total is £145,586. The Lord Mayor got four-fifths of the price of the offices in his gift, and the Sheriffs one-fifth. In 1703 a committee of Common Council describes 163 purchaseable offices as worth £107,860 (Report of Committee to the Court of Common Council, 18th August 1703; Journals of the Court, vol. liii.; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. ii. pp. 619-621).

[2] Thus, in 1833, the four Ale-conners, whom the Court of Common Hall annually elected, levied, "by right or courtesy, a small sum at each house where they visit, varying from 2s. 6d. to 1s.," on their quarterly rounds to the seven or eight hundred public-houses of the City, nominally to see that all pots were properly stamped (Second Report of Municipal Corporation Commission, 1837, p. 100). Other officers also levied toll on the publicans. Under examination by a Committee of the Common Council in 1770, one of the Under Marshals admitted that "they usually received a small acknowledgment from the publicans, which from a few of the principal ones was about a crown a year, but the greatest part gave nothing; and with respect to the brewers . . . they were gentlemen of too great power, and not very liable to be called to account for any transgressing, and therefore seldom gave anything, except sometimes a crown for a pair of gloves." Moreover, it appeared that "it had been the custom to receive compliments from those who kept houses of ill-fame" (Report of City Lands Committee to the Court of Common Council, 14th December 1770). We find the officers known as the "Six Young Men" confessing, in 1756, "that they go into public-houses on the Sabbath, and call for beer in order

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to give information against those who sell it, and that they do this only to such houses as refuse to pay them quarterage. That they purchased their places at a large price, and were greatly deceived by those who sold them as to the income" (MS. Journal of business done by Town Clerk, 13th February 1759, in City Archives; see Report of Committee to the Court of Aldermen, 26th June 1756).

[1] "It being now represented to this Court that the several Keepers of the Gaols and Compters of this City do take extravagant fees of their prisoners; ordered that they do appear before the Court and bring a table of their fees to show by what authority they do demand them" (Repertories, 20th March 1690, vol. xcv.).

[2] "On the admission of an Alderman . . . he pays 10s. to the Town Clerk, 6s. 8d. to the Sword-bearer, £2 : 3s. to the Common Crier or Sergeant-at-Arms, and 3s. 4d. to the Crier's Young Man" (Second Report of Municipal Corporation Commission, 1837, p. 32).

[3] A long array of officers, such as the Water Bailiff's Senior Young Man, the Carver's Young Man, the Common Hunt's Young Man, the Common Crier's Young Man, the various Yeomen of the Waterside, and so on (who had purchased their practically sinecure places), had the right to dine at "the Sword-bearer's Table" in the Mansion House—a privilege which they refused to forgo unless they were paid £1033 per annum in compensation (Report of the Committee on the Sword-bearer's Table to the Court of Common Council, 2nd November 1820). The Sword-bearer—who was, in 1419, to be "an esquire, a man well-bred, one who knows how in all places, in that which unto such service pertains, to support the honour of his lord and of the City" (*Liber Albus*, by H. T. Riley, 1861, p. 44)—was in many respects the chief of the Lord Mayor's personal staff.

[4] *Fees of the Sheriff's Court Chamberlain's Office, Wood Street and Poultry Compters, and Ludgate*, 1709. The fees exacted from the poor prisoners and others by the Secondary and his subordinates were, even in the nineteenth century, found to be both illegal and excessive, amounting even to "extortion and oppression." Yet the City Lands Committee recommended, as late as 1828, that the office should be sold to the highest bidder (*A Letter to the Lord Mayor, etc.*, by Charles Pearson, 1828). The protest then made stopped the practice, and in the next year the appointment was made by the Court of Common Council (Report of the City Lands Committee to the Court of Common

constitutional student is that officers of this sort—holding their places as freeholds which they had bought, often receiving no salary whatsoever, obeying no orders, responsible to no superior, and practically irremovable—constituted neither a bureaucratic hierarchy nor a working executive. The real administration of the City was, in fact, carried on, partly by the individual Aldermen and Commoners, acting alone or in small sub-committees, dealing almost entirely with contractors; and partly by half a dozen leading officials whom we find always standing out as exceptions.

Among these officers, the principal place was claimed by the Recorder; in ancient times, we are told, always "one of the most skilful and most virtuous" of lawyers, a man "especially imbued with knowledge and conspicuous for the brilliancy of his eloquence."[1] He was the special constitutional representative and legal adviser of the Court of Aldermen, by whom he was appointed. As such he presided over the Court of Husting and the Lord Mayor's Court, and was the Chairman of the Court of Quarter Sessions. But it is as the mouthpiece of the Corporation that the Recorder is of interest to us. He certified verbally to the judges of other Courts, whenever any question arose, what were the peculiar customs of the City.[2] He presented the Lord Mayor to the Lord Chancellor, and the Sheriffs to the Court of Exchequer, on their election and admission. We find him, especially in the early part of the eighteenth century, in his capacity as chief legal adviser of the Corporation, often playing the part of its responsible statesman, guiding it amid the perils of dangerous litigation or Parliamentary attack. Towards the latter part of the century, these duties fall more and more to

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Council, 22nd October 1829; *Observations on the Report of the Committee of Inquiry into the practice of the Sheriff's Court of London, and the recommendation to fill up the vacancies therein*, 1829).

[1] *Liber Albus*, by H. T. Riley, 1861, p. 38.

[2] The ancient customs of the City are different, it is claimed, from any others, in that they never become obsolete, have been expressly confirmed by Parliament in wide general terms, and cannot be abrogated except by express statute. Above all, they are proved, in the superior Courts of Law, by the oral declaration of the Corporation's own officer, the Recorder, attending for the purpose in a peculiar robe of purple cloth faced with black velvet, in response to a writ of certiorari addressed to the Lord Mayor and Aldermen. The Recorder's statement, whether or not the alleged custom exists, is accepted without question (*Laws, Customs, etc., of the City and Port of London*, by A. Pulling, pp. 3-9 of edition of 1854).

the Town Clerk and the Remembrancer; and the Recorder becomes the principal judge of the City Courts of Law.[1]

The Town Clerk,[2] originally the "Common Clerk," the universal secretary or registrar of all the City Courts, appointed practically for life by the Court of Common Council, has, in practice, for several centuries, been one of the legal advisers of the Corporation, the principal custodian of its archives, the keeper of its seal, and one of the guardians of its privileges, whilst gradually becoming, in the evolution that we have already described, the chief of its growing executive staff. Corresponding with this evolution, his remuneration, originally entirely by fees, was supplemented during the eighteenth century by a small salary, which was raised in 1801 from £300 to £800 and in 1825 to £1300.[3]

The Remembrancer, originally perhaps the manager of the City ceremonial, afterwards an influential officer of high position, became at a very early date the confidential agent of the Corporation for all Parliamentary proceedings, as well as for any negotiations with the Privy Council or the Treasury.[4]

A certain civic pride, if not also the instinct of self-preservation, made the Corporation seek to obtain, for all these legal posts, men of ability and distinction in their profession, by whom it was usually well served. In particular it was the skilful services of these "Law Officers of the Corporation," as they were called,[5] that, during a whole century and a half maintained the credit of the City, protected its ancient rights, obtained for it additional powers and privileges, and eventually succeeded even in warding off the hand of the reformers of 1835. If the property of the City was not so well preserved as its privileges, it was perhaps because the Corporation paid less heed to technical training or special ability when it had to appoint its Chamberlain, who kept the funds and was responsible for the management of the finances. The Liverymen in Common Hall, with whom this lucrative appointment rested, would usually confer it upon some favourite Alderman,[1] who contented himself with taking the profits of the investment of the large balances always in his hands, and leaving all the administration of the City finances to the unaided wisdom of the City Lands Committee.[2] The innumerable other officers of the Corporation would be scarcely noticeable in its records were it not for the personal intrigues and mutual jobbery that invariably arose whenever a vacancy had to be filled; and the frequent complaints and occasional investigations caused by the exaction of their fees. For good or ill, in the conduct of the Municipal government of the City, it is to the Lord Mayor, Aldermen, and Common Councillors that the student is always returning.

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[1] The Common Serjeant, "who is otherwise called the Common Countor" or pleader (*Liber Albus*, by H. T. Riley, 1861, p. 42), was practically the assistant of the Recorder; and, in many respects, specially the officer of the Court of Common Council, by which he was appointed. It was the Common Serjeant, for instance, who carried the bills of the Court of Common Council to the Court of Aldermen. His presence was also essential at the Court of Common Hall, and he had generally to be in attendance on the Lord Mayor. He, too, acted as a judge in minor Courts, and this function has survived all the others.

[2] *Liber Albus*, by H. T. Riley, 1861, p. 42; *Report of the Committee appointed to inquire into the nature, duty, and emoluments of the office of Town Clerk*, 1801; *Statement of the functions of Town Clerk and City Solicitor*, 1842.

[3] The City Solicitor, a less ancient officer, without prescriptive duties, gradually became, with the Town Clerk, the principal agent of the Corporation for its law business, conducting prosecutions, etc.

[4] In 1694-95 the Remembrancer is "ordered to attend for the future at the two Houses of Parliament and the Secretaries' offices, and to acquaint the Lord Mayor on the following morning of public affairs" (Index to Repertories, vol. xcix. part i. p. 118).

[5] *Abstract of Standing Orders, etc., respecting the Law Officers of the Corporation, their bills, salaries, and duties*, 1842.

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[1] It will be remembered that "Mr. Wilkes's embarrassments continued till he was [in 1779] elected Chamberlain," an office, as he said, of "profit, patronage, and extensive usefulness, with rank and dignity. . . ." This "happy circumstance raised him above want and made him easy and independent." He was annually re-elected without opposition until his death in 1797—"constantly walking to Guildhall," from his house in Grosvenor Square, "when his duty required his attendance" (*Correspondence of John Wilkes*, 1805, vol. v. pp. 86-87; *London and the Kingdom*, by R. R. Sharpe, 1894, vol. iii. pp. 71-165).

[2] The Chamberlain's statements of account, which exist continuously from 1633, were printed from 1784. Subordinate to him was the Comptroller, called also the Vice-Chamberlain, who kept the title-deeds, leases, and plans of the City estates, and managed this large property under the City Lands Committee, to which, by exception, he, and not the Town Clerk, acted as secretary. Another important financial office was that held by the two Bridgemasters, mentioned in, and perhaps instituted by, a Charter of Edward III., a lucrative appointment, conferred by the Liverymen's vote in the Court of Common Hall on popular favourites. In 1695 the Auditors reported "that the Bridgemasters, contrary to their duty and the trust reposed in them, have suffered carpenters to work in the yard for private uses, and have lent the timber bought for the service of the bridge, whereby there is too much reason to believe great abuses and cheats have been committed" (Repertories, vol. xcix. 19th April 1695). For the procedure of the Bridgemasters, and their staff in 1821, see Richard Thomson's *Chronicles of London Bridge*, 1827, p. 632; and Report and Evidence of House of Commons Committee on London Bridge, 1821. "The place," said John Stow, "hath sometimes been a good relief for some honest citizens fallen to decay" (*Survey of London*, by John Stow, vol. ii. book iv. p. 24 of Strype's edition of 1720). It could not be conferred on an Alderman.

A Ratepayers' Democracy

To sum up succinctly either the real constitution or the administrative achievements of the Corporation of the City of London between 1689 and 1835 is no easy task. Its working constitution is remarkable in attaining, more nearly than that of any other Municipal government of ancient or modern times, to the current Radical ideal of 1832, namely, a "Democracy of the Resident Ratepayers." Though the franchise was restricted to persons free of the City, this freedom had been granted so widely, and had, in fact, been so strictly imposed on the City shopkeepers, publicans, and master-craftsmen, that practically all the ratepayers who actually slept within the City were, at the end of the eighteenth century, included in the electorate.[1] On the other hand, the absentee freeholders and leaseholders, however wealthy, and the non-ratepaying residents, however closely packed, were alike excluded from any share in the government. But it was not merely a matter of voting. In no city government that we can recall has there been so close a connection between the electing ratepayer and the acting administrator. Owing to the slicing up of the one square mile of the City into twenty-six Wards, and of these again into no fewer than 169 Precincts; owing to the multiplicity of offices which each of these tiny groups of householders had annually to fill; owing to the custom and rules which confined their choice to persons belonging to their own streets and alleys; and, last but not least, owing to the incessant convivialities which brought all citizens together, the elected representative, whether Questman or Common Councillor, Constable or Deputy, must have been personally acquainted, if not actually intimate, with every member of his electorate. And it was not only the Common Council of the Ward, or the Court of Common Council and its committees, that were so closely interwoven with the ratepayers. The working magistracy of the City—in other contemporary Municipalities provided by the close body, and now, under the Municipal Corporations Act, appointed by the Crown—was, in London, elected Ward by Ward, by this same ratepaying Democracy. A popular mass meeting was responsible for the choice of the Lord Mayor, the Sheriffs, and some of the principal officers. Nor was this all. The Corporation distributed its work among an unusually large number of office-holders and jobbing contractors, all of whom were Freemen, and practically all of whom were intimately connected by relationship and residence with their fellow-electors in Precinct and Ward. In no other large city of which we have ever read was the actual administration, in offices of high and low degree, paid and unpaid, so minutely subdivided among, so extensively participated in, and so exclusively monopolised by the ratepayers who actually dwelt within the city boundaries.[1]

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[1] The rise in City rentals had, by 1800, made the £10 limit inoperative for the exclusion of any householder, and the growing habit of dwelling in the suburbs had made the unfree merchants and bankers a non-resident class.

In certain respects, it is true, the correspondence between taxation and representation was not exact. There had grown up within the City an extensive class of non-Freemen, in whose offices the bulk of the financial business and foreign commerce of the City was managed, but who had their dwelling-houses outside its boundaries. These wealthy but municipally apathetic bankers and merchants neither took the trouble to exercise their right as ratepayers to vote for the minor officers of their Wards, nor to qualify, by purchasing their freedom, for electing or being elected to the superior government of the City. Nor did the revenue of the Corporation come entirely from the rates paid by its inhabitants. By its ownership of the markets and its jurisdiction over the port, it automatically levied taxes on all the country round; a revenue which the perpetual growth of London outside the City swelled to considerable proportions.[1] Finally, the Corporation was the owner of valuable real estate, the rents of which were being doubled and quadrupled by the great increase of population and trade. Hence, our Democracy of Ratepayers found itself disposing of an aggregate revenue three or four times as great as its members themselves contributed.

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[1] It was asserted in the nineteenth century that this Democracy of Ratepayers had, since 1689, steadily declined in social status, owing to the exclusion from the electorate of the ever-growing class of unfree merchants and bankers. At the Parliamentary inquiry of 1854, this degeneration in social status of the City governing class was strenuously denied by the City Solicitor. But it had then recently been described by the same officer in a private report to the Common Council of 1847. "Under the blighting influence of the Election Act (11 George I.) the Corporation see their principal constituency daily degenerating in quality, and diminishing in numbers; the merchants, bankers, and wholesale dealers refuse, and the retailers neglect, to clothe themselves with the municipal elective franchise; and except publicans, fellowship and ticket porters, brokers, licensed billiard table and beer-shop keepers, carmen, and others who seek the freedom to escape the City toll, the number of Freemen is constantly decreasing; and, such is the defective and vexatious machinery of that statute, that, as was lately experienced in the Bread Street Ward, scarcely a voter could stand the test of scrutiny. Five years since it was judicially proved in our criminal courts, that at a Common Hall election of Bridgemasters, above 600 false voters, by perjury and personation, were placed upon the poll" (*Opinions of the Officers of the Corporation of the City of London*, 1847, "Mr. Solicitor's Opinion, p. 98"). It should be added that the Corporation of the City, unlike other Municipal Corporations of the time, was, in 1832-35, quite willing to extend its membership and the municipal franchise. In 1835 the Court of Common Council even decided (with doubtful legality) that applicants for the freedom of the City need not first become free of one of the Companies. The fees payable, which had been raised in 1729 to about £35, were, from 1835 onward, by successive stages, greatly reduced, until, in 1854, the freedom could be obtained for less than six guineas, all included.

How can we summarise the characteristics and the achievements of this uniquely situated Ratepayers' Democracy? We see at once that there was no such pandemonium of treating and bribery, rioting and "cooping," as prevailed in the election of the Mayor at Liverpool, or in those of the representative bodies and officials at Norwich and Ipswich.[2] The contests for

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[1] "The Corporation claims a monopoly in landing all coals, corn, seeds, salt, fruit, potatoes, and oysters brought into the Port of London, which occasions great delay and heavy charges to the importer . . . and by means of taxes, levied without consent of Parliament, on corn, coals, cheese, butter, fruit, eggs, salt, potatoes, wine, oil, hay, fish, live cattle, meat, game, and vegetables, raised during the year 1841 a revenue of £85,074. The Corporation also demands a toll on all waggons and carts . . . which is farmed out to Jews, who obstruct the leading thoroughfares by the clumsy manner in which the tolls are collected" (*The Necessity of Reforming the Corporation of London Demonstrated by a plain statement of facts showing its Monopoly, Corruption, Abuse, and Profligate Expenditure*, by a Citizen, 1843, pp. 5-6). In 1833 the yield of the coal duties alone was £111,513 (*An Account of the Duties on Coal, etc.*, by T. W. Bunning, 1885).

[2] We have come across no evidence of any systematic bribery at City elections—at any rate after 1725—except possibly in those at Common Hall for the lucrative offices of Chamberlain and Bridgemaster, until the great Common Hall contests of 1831, when an Alderman introduced the practice of enlisting several hundreds of indigent Liverymen (chiefly connected with waterside industries, and hence popularly known as "longshore men") to attend the Common Hall, in return for a payment of a pound or two, nominally as payment for their time. See Report and Evidence of the Royal Commission on the

Municipal office, whether in Wardmote or Common Hall, were in the main unpolitical, and they had no connection with the return of members to the House of Commons. Nor did the Corporation, after the troubled period between 1700 and 1725, use either Corporate money or Corporate influence in favour of particular candidates or parties. Whatever else may be alleged against it, it must be recognised that the Corporation government of the City gained and preserved the assent of the citizens. Within the City boundaries there arose practically no movement for reform. The retail shopkeepers of the City, who made up, even in 1835, the great bulk of its actual residents, were enthusiastically attached to a government of which they felt themselves to be the creators, and which embodied all their aspirations. The streets of the City were, relatively to the standards of the time, always well paved, cleansed, lighted, and watched. The City thoroughfares were kept more free than those of the rest of the Metropolis from beggars, hawkers and pedlars, prostitutes, and obstructions to traffic. The honours and perquisites, the pageants and entertainments, large and small, were shared in by practically all grades of the inhabitants, each in its own degree. There was, indeed, among all sections of City society, the common bond of an "undeviating adherence to the trencher and the table."[1] The City elector was, in fact, proud, not only of the sturdy patriotism with which the Corporation upheld popular rights, but also of the extravagant hospitality which it dispensed in his name.

The outsider could hardly complain of the exclusiveness of the City, seeing that any one could become a Freeman on easy terms, and any Freeman Ratepayer was eligible for election by his immediate neighbours. Nor do even the contemporary Radicals seem to have considered that the public had much ground for complaint about the lavishness of the City expenditure, or the sharing, among the citizens, of perquisites, contracts, and offices. It was felt that what the Corporation spent was its own, and when a Radical Member of the House

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Corporation of London, 1854, Q. 1381-86, p. 144; also *Narrative of the Proceedings arising out of the three contested elections for Lord Mayor, etc.*, by Charles Wallis, 1831.

[1] *Essays, Moral, Philosophical, and Stomachical*, by Lancelot Sturgeon, 1822 ("dedicated to the Right Worshipful the Court of Aldermen").

of Commons had rashly pressed for the production of accounts, he was easily persuaded to admit that he had done so under a misapprehension, seeing that the funds were "the private property of the City of London," with which neither the House of Commons nor the public had any concern.[1] In the matter of efficiency the City government did not, in most of its departments, fall so far behind the requirements of the age as to lead to any effective outside criticism. There was no reason to complain of the local administration of justice. The Bench of Aldermen furnished, as we have said, assiduous, honest, and reasonable magistrates, who gave satisfaction to the public,[2] and in 1833 managed their newly established little force of day police in a manner above the average of the time. The Nightly Watch, regulated by the statute of 10 George II. and administered by the Wards, was in advance of that of the parishes outside the City.[3] Though the City, jealous of its autonomy, refused in 1829 to be included in Sir Robert Peel's new police establishment,[4] it put its own house in order, and within a decade completely superseded its aged Watchmen by a force on the new model. The shopkeeping Common Councillors knew the convenience of market regulations, and the Municipal Corporation Commissioners expressly report that the Corporation's "superintendence of the wholesale provision markets seems to be vigilant and to be attended with very beneficial results to the public." But though, as we have said, in paving, cleansing, lighting, and sewering the streets, we gather that the City was superior, if not much superior to the other districts of the Metropolitan area, it must be added that anything in the nature of sanitation was, in 1835, as unknown in the City as outside it. A hundred and fifty slaughter-houses—fifty or sixty of them actually in underground vaults or cellars—defiled and polluted the narrow area and densely crowded streets of the City, without the slightest attempt at regulation by the Corporation.[1] Smithfield cattle market at that time had long been "a nuisance of the worst description,"[2] which the Corporation refused to remove or reform, and insisted, indeed, on maintaining for another generation on its ancient site.[3] The prisons of the City, though the largest and most numerous of any city, continued to be the worst of those of any local authority. But it was perhaps in its custody of the Thames that the Corporation appeared to the least advantage. The Corporation, as the Port authority, entirely neglected the conservancy of the river,[4] and its failure to provide police protection for the millions of pounds' worth of valuable property afloat in the Thames resulted, down to the very end of the eighteenth century, in the incredible pandemonium of riverside crime described by Colquhoun.[5] The members of the Court of Common

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[1] Hansard, 21st May 1818.

[2] Compared with other boroughs, the City of London was in good repute among reformers, doubtless because of its elective institutions and Radical opinions. Thus Oldfield writes: "The civil government of this City is the first and best in this country, both with regard to the respectability of its officers and their integrity in the administration of justice. The magistrates, chosen by the Freemen of each respective Ward, are popular in their organisation, unshackled by Court influence, independent in their offices, and accountable to their fellow-citizens for the impartial discharge of the duties of their function, their future elevation to the offices of Sheriff, Mayor, and Member of Parliament depending on the exemplary discharge of their municipal power" (*Oldfield's Representative History of Great Britain and Ireland*, 1816, vol. iv. p. 193). "In no other Corporation, nor in the general government, nor in the Colonies, is so much work performed at so small a cost" (*The Extraordinary Black Book*, p. 465 of 1832 edition).

[3] In the year 1800, the number of beadles, watchmen, and patrols in the City was estimated at 803, whilst the rest of the Metropolitan area, a hundred times as extensive, and containing six times the population, only had about 1200 (*Treatise on the Police of the Metropolis*, by P. Colquhoun, sixth edition, 1800, p. 414). In 1816, the defects of the City police force were investigated by the Common Council, and considerable improvements effected (Journals of the Court of Common Council, 17th October 1816, 23rd January and 27th February 1817). *The Rules, Orders, and Regulations for the Police of the City of London*, 1824, were obtained as models by the Manchester Police Commissioners.

[4] *Times*, 22nd January 1830; the "City Police Act," 2 and 3 Vict. c. 94 (1839).

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[1] See the subsequent *Health Reports* of Sir John Simon, 1887, vol. i. p. 64.

[2] *Ibid.* p. 15.

[3] See, for instance, the *Letter to the Right Hon. Lord John Russell, M.P., on the proposed removal of Smithfield Market*, by Thomas M. Challis, 1851.

[4] "The right of regulating the shipping appears not to have been exercised for the last fifty-six years, and no instance is stated of repairing banks or breaches in the river since 1725" (*Treatise on the Commerce and Police of the River Thames*, by P. Colquhoun, 1800, p. 316). "Notwithstanding the [Port and Navigation] Committee is so numerous, there are very seldom half a dozen persons upon it who have the slightest knowledge of shipping, or connection with any one who is interested in it" ("Municipal Reform as required for the Metropolis," *London and Westminster Review*, April 1836, p. 78). On the other hand, we are informed by Mr. Hubert Hall that the Corporation upheld the public rights of fishing in the upper river against the riparian owners, until restricted by the law courts in the latter part of the nineteenth century.

[5] Colquhoun gives the following classification of the depredators on the river, whose plunder amounted to at least half a million sterling annually.

Council strenuously resisted the proposed new Southwark Bridge, declaring that an iron bridge could not be relied on for stability.[1] Over the pressing question of dock accommodation for the rapidly increasing shipping, which had eventually to be abandoned to joint-stock enterprise, the Corporation displayed a total absence of courage, strength, or foresight, which stands in striking contrast with the vigour and statesmanship shown in the same problem by the Corporation of Liverpool. It never occurred to the retail shopkeepers who formed the Port and Navigation Committee of the Common Council that it was their duty to obtain power to build the docks made necessary by the growing trade which they taxed. When, at last, a century after Liverpool had provided itself with docks, the London merchants and shipowners themselves took the matter in hand, and promoted Bills for the establishment of joint-stock dock companies, all such projects "were opposed by the Corporation at an enormous expense, because it held that the establishment of docks would interfere with its receipt of money from ships in the Pool."[2] Nor did the

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until, in 1798, the National Government took in hand what the City Corporation had neglected, and established a marine police. The "river pirates"—who were connected with the marine store shops; they reconnoitred by day and made their attacks in armed boats on dark nights, cutting adrift the lighters and barges, and taking out the merchandise. The "night plunderers"—watermen of the lowest class, who attacked unprotected lighters and made over the stolen goods to receivers. The "light horsemen"—comprising mates of vessels and revenue officers, who would wink at the robbery of the ship, in which coopers, porters, and watermen take part. The "heavy horsemen"—porters and labourers who wore an inner dress, called a "jemmey," provided with pockets wherein to stow away small quantities of colonial produce, whilst portering about the ships and quays. Besides these organised depredators, the wine coopers pilfered whilst opening and refining casks; the mudlarks picked up stolen bits, which others by concert threw into the mud; the rat-catchers employed on board the ships carried away produce; the lightermen concealed goods whilst going away from the ships to the quays; and the warehousemen, when sugar reached the warehouses, pilfered and sold the stolen sugar to small dealers at public-houses (*Treatise on Commerce and Police of the River Thames*, by P. Colquhoun, 1800, pp. 50-58).

[1] Journals of the Court of Common Council, 2nd May 1811. In 1812 the coal merchants complained that only one arch of London Bridge was navigable for craft of any size, and that it had been allowed to get into a state in which it was dangerous at low water, and in times of frost. The result was that "some of the petitioners have known the price of coals in the coal market not more than 45s. to 50s. per chaldron, when, from the difficulty of supply to the inhabitants lying to the west of London Bridge, the price has been five guineas" (*ibid.* 3rd September 1812).

[2] Report and Evidence of the Royal Commission on the Corporation of London, 1854, p. 18.

Corporation of London make up for its supineness about sanitation or the prisons, about the river or the docks, by any display of enterprise in providing for religion, education,[1] or public recreation, still less for science or art. Our general impression, in short, is that, in these as in all other services, the Corporation of the City of London, between 1689 and 1835, far from being superior to the Municipal Corporations of other large towns, actually fell below them, alike in energy, in largeness of view, and in efficiency of administration. And when we remember on the one hand the really great achievements of the merchants and bankers of Liverpool in their Town Council, and on the other, the unparalleled magnitude of the interests imperilled, and of the opportunities neglected, by the "Parliament of Shopkeepers" who ruled over the City of London, we are constrained to agree with the witness who explained their failure by the remark that "counter transactions in small coins have no tendency to give a man an enlarged view, or habits of viewing in a large sense any interests which he may be delegated to promote."[2] To sum up, we find no succinct appreciation of the Corporation of the City of London so apt as the carefully weighed judgment, full of significance to students of political science, which de Tocqueville passed upon the government of France between 1830 and 1848. The dominating spirit of that government, he said, was the spirit characteristic of the trading Middle Class; a spirit active and assiduous; always narrow; often corrupt; occasionally, through vanity or egotism, insolent, but by temperament timid; mediocre and moderate in all things except in the enjoyment of physical indulgence; a spirit which, when combined with the spirit of the manual-working wage-earners and the spirit of the aristocracy, may achieve marvels, but which, taken alone, inevitably produces a government without elevation and without quality.[3]

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[1] It is true that the Guildhall Library was established in a small way in 1824, with an allowance of £200 a year, but it was not opened to the public until 1873. The City of London School, based on an old endowment, was not established until 1835.

[2] Report and Evidence of Royal Commission on the Corporation of London, 1854, Q. 146, p. 18.

[3] *Souvenirs d'Alexis de Tocqueville*, 1893, p. 6 (freely translated).

CHAPTER XI

THE MUNICIPAL REVOLUTION

We have, in this account of the Manor and the Borough, surveyed a system of Local Government, inherited from the Middle Ages, interpenetrated by the organisation of Parish and County, but theoretically ubiquitous, and extending, even in 1689, from one end of the Kingdom to the other. By 1832, as we have seen, this archaic system had everywhere fallen into decay, surviving in vigorous life only in patches, and even in those cases failing to cope with the new requirements of Local Government. The revolution of 1835 that we have now to describe affected but a small fragment of this system. The hundred and seventy-eight Municipal Corporations, which alone the Act of 1835 transformed into modern Municipalities,[1] ruled over a superficial area less, in the aggregate, than one such Lord's Court as that of the Hundred of Berkeley. Their jurisdictions, widely as they were spread, covered, in the aggregate, hardly more than a seventh part of the population of England and Wales. The Reformers, in thus limiting the sphere of their action, were not inspired by any reverence for mediæval institutions. It was merely that they were unconscious of the existence, in the England and Wales of 1832, of the greater part of the structure that we have described in this volume, intimately related though it was to the Municipal Corporations that they were attacking. This lack of knowledge as to what we may call the family relationship of the Municipal Corporation gave to the action of the Reformers both a peculiar ruthlessness at which we may be surprised, and an incompleteness that we have subsequently had to regret. But for the practical purposes of the moment the Reformers were right in limiting their attack. The Lord's Court, whether of Manor or of Hundred, was everywhere in ruins; leaving, as its principal remnant, an occasional Court for the recovery of petty debts, which seemed to have no relation to Local Government, and to be a mere anachronism of an incomprehensible hierarchy of law-courts. The uncounted numbers of Manorial Boroughs scattered over England and Wales were either assumed to be Municipal Corporations, or were regarded as mere survivals of obsolete feudal jurisdictions. Thus, the whole of the elaborate but decaying structure that we have described in the first four chapters of this volume was, with few, and in some cases unintentional exceptions, left standing by the Municipal Revolution of 1835.[1] What excited the iconoclastic fervour of the Reformers were those Chartered incorporations which had obtained the privilege of a local Magistracy; more especially if they combined with this jurisdiction extensive property, the power to levy tolls, rates, or other forms of taxation, and, above all, prior to 1832, the right to return Parliamentary representatives.

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[1] 5 and 6 William IV. c. 76, schedules A and B.

(*a*) *Towards the Revolution*

To the historical student it will, we think, be matter of surprise that there was no general agitation for the reform of Municipal Corporations as organs of Local Government until the very eve of the Reform Bill. The Metropolitan Select Vestries, as we have seen[2]—bodies less powerful and less prominent than Municipal Corporations—had been subjected to three general attacks, whilst individual Close Bodies of this kind had, in the course of the eighteenth century, actually been replaced by Parish Democracies. But in spite of the

[1] The Act of 1835 included, and therefore made into Municipal Corporations, the following English towns that we have classed as Manorial Boroughs: Clitheroe, Durham, Gateshead, Stockton, Stockport, Sudbury, Sunderland, and Wisbech; together with Arundel, Beccles, Blandford Forum, Calne, Chard, Chippenham, Godalming, Godmanchester, and Lymington, but from these latter it temporarily withheld a Commission of the Peace. At the same time, it included eighteen Welsh Boroughs, of which only half a dozen had previously exercised magisterial functions (5 and 6 William IV. c. 76, schedules A and B).

[2] *The Parish and the County*, pp. 247-276.

unpopular constitution of most of the Municipal Corporations, and the bad administrative record of many of them, we do not know of a single case in which either Parliament or the law-courts "opened" a Municipal Corporation to the ratepayers or to the inhabitants at large. From beginning to end of the eighteenth century (if we exclude from consideration the right to elect Members of Parliament), there was no general attack upon either the constitution or the jurisdictions of the Corporations. In spite of the frequent applications to Parliament made by the Corporations themselves, we have not come across a single petition, from any person whatsoever, praying that the Municipal constitution might be changed to an elective one.[1] In fact, when an unincorporated town, such as Brighton or Manchester, wished to secure Municipal privileges, it was quite content, even in the early years of the nineteenth century, to aspire to "a local government formed on the model of that of Leeds . . . a permanent body of guardians of the peace clothed with the authority of Magistracy,"[2] which could, it was commonly supposed, be obtained by a Charter, if only an endowment of "permanent property" could be provided for it.[3] So tardy a development of an agitation which was destined, in a few years, to become irresistible, needs explanation. We have to remember that the Municipal Corporation of the eighteenth century had become essentially a Bench of Magistrates—a part, that is to say, of what Gneist called the *Verwaltung*, or "State Power" of the Kingdom, as distinguished from the *Wirthschaft*, or "Housekeeping" of the Parish in the maintenance of its Church, its roads, and its poor. From the very inception of the keeping of the "King's Peace," Englishmen of all classes had been accustomed to regard the Justice of the Peace as the representative of the central power of the State, not far removed in nature from those other "Justices," the Judges of Assize, who proceeded from the Capital on their periodical Circuits. Thus, until the very eve of the Reform Bill, we find no suggestion of an elective Magistracy. To the townsman of the eighteenth century the alternative to the Corporate Magistracy seemed to be the County Justices; and to be able to resort for adjudications to some of one's fellow-townsmen, rather than to a County Magnate, appeared in the light of a privilege. The fact that the Borough Magistrates recruited themselves by co-option was in accordance with long-established custom, which we can see to have been often spontaneously adopted by Juries and parish officers, as a reasonable method of transferring the onerous obligations of office. "This mode of keeping up the succession of the governing classes," wrote Sir Francis Palgrave in 1833, "now so unpopular, prevailed, I believe, by consent and custom, long before it obtained a legal sanction. . . . In the era when this mode of election was tacitly established, there was a sufficient reason for the usage. Some of these ruling bodies were, in their origin, analogous to our Leet Juries. The office was onerous, and when a vacancy occurred, a fit and proper person, willing and able to serve, was nominated without any formal election."[1]

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[1] When it was argued in the House of Commons in 1755 that certain additional powers of police ought not to be granted to the Corporation of Bristol because of its unrepresentative character, one of the Members for Bristol, a defender of the Corporation, could triumphantly reply: "If the citizens had ever found themselves oppressed by their Magistrates . . . they would certainly have petitioned either the Crown or Parliament for some new regulation"; and this had never been done (Parliamentary History, vol. xv. p. 476, 15th January 1755, speech of Mr. Robert Nugent, M.P., on Bristol Watch Bill).

[2] *Supra*, p. 422; *Report of Committee to obtain Reforms*, Manchester, 1808.

[3] MS. Vestry Minutes, Brighton, 13th March 1806.

Down to 1818, we may affirm, there was, apart from a few sporadic criticisms of particular abuses, nothing in the nature of an agitation against the Municipal Corporations in their capacity of local governing bodies.[2] But in the ensuing fifteen years the discontent with these bodies seems suddenly to find expression on all sides—from Tories and Whigs as well as from Radicals; from those who were in charge of the

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[1] *Observations on the Principles to be adopted in the Establishment of new Municipalities*, by Sir Francis Palgrave, 1833, p. 61.

[2] The only proposal to reform the Municipal Corporations that we can trace in the whole of the eighteenth century was an abortive project of 1742, vaguely alluded to by Smollett; and this had relation to their Parliamentary privileges. "By the report of the secret committee [into the conduct of Sir Robert Walpole] it appeared that the then Ministry had commenced prosecutions against the Mayors of Boroughs who opposed his influence in the elections of Members of Parliament. These prosecutions were founded on ambiguities in Charters, or trivial informalities in the choice of Magistrates. An appeal on such a process was brought into the House of Lords, and this evil falling under consideration, a Bill was prepared for securing the independency of Corporations; but as it tended to diminish the influence of the Ministry they argued against it with their usual eagerness and success, and it was rejected on a division" (*Complete History of England*, by T. Smollett, 2nd edition, 1758-60, vol. xi. p. 142).

Government of the Kingdom, as well as from those in revolt against it. We can best describe this discontent by analysing it.

We see first a rapidly growing uneasiness of the Government and the country gentlemen at the turbulence of the mob in the industrial centres, and at the manifest incapacity of the Borough Justices to preserve order. Already in 1811-13, the serious "Luddite" outrages in Nottinghamshire and the adjacent Counties had made it necessary to strengthen the powers and widen the sphere of the County Justices. By 1819, with the prevalence of crime and disorder, and the growth of Radicalism, the apprehension of the governing classes—vividly reflected in the correspondence of the Secretary of State's office—led to many suggestions by Tory Justices that the Municipal Corporations should somehow be shorn of their Magisterial powers. "I presume very respectfully to draw your Lordship's attention," writes a Welsh Magistrate in 1819, "to the very great evil which exists in many Boroughs, by whose Charter the Mayor or other Head Officer is the only Magistrate."[1] "In some of the small Corporate towns," pointed out a Tory Member of Parliament, "there were individuals in the Commission of the Peace who were in the very lowest sphere of life, and it really was too much that the character of an English subject . . . should be at the mercy of the immediate decision of one such person."[2] "In Borough Towns," writes a Devonshire Justice, "particularly those called 'Close,' generally speaking the police are most inert, a deficiency arising from an insufficient Magistracy. A want of education, intelligence, etc., too frequently places the Corporate Leader in the hands of a crafty Town Clerk."[3] From Cornwall, we see that the great family of Borlase was complaining in 1829 of the state of the Borough of Bodmin, in which there was only one Corporate Magistrate, whilst the County Justices were "precluded from acting."[4] There is "not a single man in the place," indignantly writes a Devonshire Justice about the Borough of Bradninch, "who has had the education which would fit him for the lowest station of a clerk in a counting-house of a decent manufacturer," and yet the whole administration of justice is in the hands of the Corporate Justices. "On all occasions," he continues, "except the Quarter Sessions, when an attorney presides, the law is attempted to be spelt out of an edition of Burn fifty years old, and all the improvements of Sir Robert Peel are neglected as injurious and unconstitutional innovations."[1] Even the members of the Corporations are occasionally found confessing that the burden of the Magistracy is too great for them to bear. At Torrington, for instance, the Mayor himself suggested that "it would be desirable to deprive the local Magistrates of their exclusive jurisdiction, and to permit the Justices of the County to act within the Town. The tradesmen of the Town are unwilling to accept the office of Aldermen, and have been frequently fined. They are apprehensive that when they become Magistrates they may give offence in the execution of their duty."[2] All this Conservative discontent with the Municipal Corporations, in respect of what seemed to be their most important function, was fanned into a flame by the calamitous breakdown of the entire Corporate Magistracy of the important City of Bristol, in the terrible riots of 1831, when the City was for days in the hands of the mob, and no small part of it was burnt down. Similar riots took place at Nottingham, Derby, Worcester, Exeter, Coventry, and Preston—all towns governed by Close Corporations, in which the Corporate Justices proved incapable of maintaining order.[3] For five, and then for three years, as Home Secretary, Sir Robert Peel had had before him such correspondence as that from which we have quoted. He had succeeded in establishing an organised force of preventive police in the Metropolis, and in developing there the system of Stipendiary Magistrates. No one knew better than he did the need for an analogous reform in the towns for which the Municipal Corporations supplied the Magistracy. After the riots of 1831, it is accordingly, not the Radical members, but the Leader of the Tory Party in the House of Commons, and Lord Ellenborough for the same Party in the House of Lords, that we find repeatedly pressing on the Whig Ministry the urgency of taking in hand the reform of the Municipal Corporations in the interest of the "better maintenance of public peace."[1]

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[1] Home Office Domestic State Papers in Public Record Office, No. 318, 4th June 1819.

[2] Hansard, vol. xi. p. 1081 (3rd June 1824).

[3] Mr. George Coles of Tiverton (Devon) to Secretary of State, in Home Office Domestic State Papers in Public Record Office (Misc. No. 14), 15th March 1827.

[4] Home Office Domestic Entry Book in Public Record Office, vol. lxiii. 1st May 1829.

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[1] Home Office Magistrates' Book in Public Record Office, 19th June 1830.

[2] First Report of Municipal Corporation Commission, 1835, vol. i. p. 637.

[3] *The Origin of the Riots of Bristol*, by T. J. Manchee, 1831.

The desire of Sir Robert Peel and the country gentlemen for a reorganisation of the Corporate Magistracy ran parallel with a feeling of resentment, which we find manifesting itself among the Nonconformists and Whigs of the Boroughs themselves, against the invidious exclusiveness and political partisanship of the Corporations. This exclusiveness, which differed in character from Borough to Borough, was maintained partly on theological, partly on political, and partly on social grounds. The Corporation and Test Acts of 1661-72, as we have already mentioned, excluded from office as Sheriff, Alderman[2] or Mayor, or even as Common Councilman, every consistent Nonconformist and Roman Catholic. Though breaches of the law were condoned by an annual Act, the continued existence of these statutes, and the habit of regarding the Corporations as bulwarks of Church and State, prevented, nearly everywhere, the co-opting of Dissenters. Moreover, in the course of the eighteenth century, the Municipal Corporations became again keenly interested in the contests between the great political parties; and especially after the Tory revival of 1784 do we find them passing resolutions in favour of the policy of the Tory Ministries, and sometimes even instructing their Parliamentary representatives to support particular measures by their votes.[3] Even in Corporations such as Leeds, which returned no Members of Parliament, we see the Mayor, Aldermen, and Council solemnly recording in 1825 and 1829 their emphatic hostility to Catholic Emancipation, and in 1831 to the Reform Bill.[1] It was felt by the Nonconformists to be an even greater practical demonstration of partisanship when Corporations such as that of Liverpool erected churches and maintained clergymen of the Established Church, and provided schools in which the Church Catechism was taught.[2] There were, too, the shameless cases in which Corporations like that of Leicester made the utmost possible use of their influence, power, property, patronage, charity trusteeships, and Magisterial authority in order to get elected the Tory representatives.[3] And this religious and political exclusiveness was strengthened by social considerations. The doctors and attorneys, the bankers and retired officers, who, with the minor gentry, usually filled the Town Councils of the smaller Corporations, were indisposed to admit to what was often a group of family connections and friends, either the shopkeepers or the little manufacturers of the town. Thus, in every Borough the Nonconformist shopkeeper, the Radical publican, the Whig master builder, shoemaker, or tailor, found himself excluded from what, to use the words of a Whig newspaper, was "a shabby, mongrel aristocracy"[4] that ruled the town. "I do not say," declared the youthful assailant of the social exclusiveness of the Corporation of Warwick, "that the Aldermen should exclusively be selected from the tradesmen and commercial ranks; but surely a few tradesmen and old burgesses among the lawyers and gentry would not disgrace or revolutionise the Corporation."[5] In the rapidly growing manufacturing towns and seaports of the Midlands and North of England, a more powerful class than the Warwick tradesmen found the doors of the Town Hall closed against them.

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[1] Hansard, 27th January 1832 (Lord Ellenborough); *ibid.* 1st February, 7th March, and 4th June 1832 (Sir Robert Peel).

[2] Down to 1767, as we have already mentioned (*supra*, p. 392), the ineligibility of Dissenters for office did not prevent them from being fined for not serving as Sheriff or Alderman; and this particularly mean device to extort money from them, especially in the City of London, excited bitter resentment, until (in Chamberlain of London *v.* Allan Evans) Lord Mansfield declared it to be illegal.

[3] A few of the Municipal Corporations were, in 1818-33, as strongly Whig as the others were Tory. The City of London was predominatingly Whig, and even Radical. "Derby, Nottingham, and Leicester kept common political accounts in the Whig interest. Any man who could be perfectly trusted was made Burgess of all three Boroughs. . . . Though a man might have large property in the town, live in one of its best houses, and employ scores of men he had no chance of the Freedom unless he were a known Whig" (*Reminiscences*,

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chiefly of Oriel College and the Oxford Movement, by Rev. T. Mozley, 1882, vol. i. p. 255). In the light of the account that we have had to give of Leicester, we can only conclude that Mozley meant some other town. Portsmouth was strongly Whig.

[1] *Leeds Mercury*, 16th April 1825, 21st March 1829; *Leeds Intelligencer*, 21st April 1831.

[2] *Supra*, p. 488.

[3] *Supra*, p. 477.

[4] *Bell's Life*, quoted in *Plymouth Journal*, 14th February 1833.

[5] *The Governing Charter of the Borough of Warwick . . . with a Letter to the Burgesses on the past and present state of the Corporation*, by Joseph Parkes, 1827, p. 79.

At the beginning of the nineteenth century there was rising up, in these towns, a class of able and energetic men, who were amassing wealth by their factories or their warehouses, their forges or ships, and who felt themselves at least the equals, in position, means, and intelligence, of the Tory Churchmen who ran the Corporations. And though the Municipal Corporations were no more "self-elect" than were the statutory Improvement Commissioners, with which we shall deal in our next volume, and no more exclusive than the County Justices that we have already described, the fact that some of the Corporations possessed property and others political power, made their exclusiveness more keenly felt. What the wealthy manufacturers and shipowners were seeking was not Municipal Democracy. What they wanted was, to use the inimitable phrase of the Liverpool merchants, in their petition for reform, "that all *in equal station* should enjoy equal privileges and be subjected to equal duties."[1]

The offended dignity of the Whig and Nonconformist merchant or shipowner who found himself excluded from the Corporation was sometimes reinforced by a consciousness of pecuniary loss. It was an invariable feature of the tolls and dues levied by so many Municipal Corporations and Manorial Boroughs that they mulcted only the non-Freeman. In the nineteenth century, though many of these local tolls and dues had fallen into desuetude, others had grown, with the advance of population and trade, to considerable revenues. All goods entering the Mersey or the Tyne, the Humber or the Avon, had to pay toll to the Municipal customs officers, who, unlike those of the King, did not spare even the coasting trade. At Liverpool, as we have seen, these Municipal customs duties (apart from dock rates) amounted in 1833 to over £35,000 a year. These Town Dues were usually levied on exports as well as on imports, and on all goods, whether from a foreign country or merely from a neighbouring English port. A similar tribute was levied in many inland Boroughs on goods, including provisions and farm produce, brought to market in the town. The Corporation of the City of London stopped, by its toll contractors, 2000 carts a day in the narrow streets at the various entrances to the City, in order to take twopence each from all of them not belonging to Freemen, or having in them goods belonging to non-Freemen. "Every stoppage," says a subsequent observer, is "a nuisance, the cause of continual quarrels and frequent fights between the man in the cart and the man who stops the cart by catching hold of the horse to exact his twopence."[1] Still more objectionable to the Whig Nonconformist non-Freeman was the "Through Toll" demanded by Newcastle-on-Tyne,[2] Carlisle, Beverley, and other Municipal Corporations on all goods passing into the town even on their way to another destination Moreover, in addition to these general dues or "petty customs" on all goods, particular commodities were often subjected to taxation. Coal was not allowed to be landed at Rochester, Dover, or Hull, without paying a tax to the local Municipal Corporation.[3] From all these tolls and dues the Freemen of the particular Municipal Corporations (and sometimes those of certain other Corporations) were exempt, and whilst to the great majority of them this exemption was of no value, to such of them as happened to be engaged in the particular industry affected it meant an annual subsidy, or advantage over their non-Freemen trade competitors, which was occasionally equivalent to a profit income of hundreds of pounds. It was an added grievance of the Whig or Nonconformist shipowner or merchant, who saw his Tory and Anglican Freeman rival thus hold a larger share of the trade than he could, without subsidy, have maintained, that this effect of the Corporation exclusiveness was in flagrant opposition to the principles of Free Trade, in which the excluded class was more and more coming to believe.

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[1] First Report of Municipal Corporation Commission, 1835, vol. iv. p. 2705.

To the rising Radical Party, from 1818 onwards, the very existence of Close Corporations, "self-creative and self-existing,"[1] and nevertheless exercising compulsive powers over the citizens, was a grievous offence, and a direct challenge to the Democratic faith. To this Party it was almost irrelevant to inquire whether Municipal Corporations provided an efficient or an inefficient Magistracy; whether they spent their own funds for the public good or embezzled trust estates for their personal ends; whether, in short, they constituted a good or a bad government of the Boroughs. By their very nature, the non-elective Municipal Corporations were in the same political category as Hereditary Monarchy, the House of Lords, the Established Church, a Restricted Suffrage, and Life Office. Had not Edmund Burke himself declared that "Corporations, which have a perpetual succession, and an hereditary *noblesse*, who themselves exist by succession, are the true guardians of monarchical succession"?[2] If a Radical was called upon to single out a concrete grievance, he was apt to cite the increasing number of towns in which Municipal Corporations were, in the nineteenth century, coming to levy rates on all the householders. To the Radical shopkeeper or publican of 1818-33, the levying of a rate by the Municipal Corporation, which had its own property, seemed not only an unfair and unnecessary financial exaction, but also a direct infringement of the constitutional principle that Taxation and Representation should go together.[3] But the Radical objections to the Municipal Corporations were so abstract, and became rapidly so intense, that their expounders seldom condescended to particular grievances. That the Municipal Corporations were everywhere "self-elect"; that they had all become so by usurpation of the popular rights; that their property belonged "of right" to the people;[1] that they all misused their powers, and squandered the "Town Stock" in feasting and corruption, became the commonplaces of the Radical press. By the summer of 1833 we find even the *Times* swept away by the flood. "The most active spring of election-bribery and villainy everywhere," it declared, "is known to be the Corporation System. The members of Corporations throughout England are, for the most part, self-elected and wholly irresponsible but to themselves alone. They have contrived by a dexterous series of manœuvres to oust the town inhabitants, for whose benefit the Charters were originally granted, of all right of succession, election, or control. They have used for base purposes the patronage which they usurped, and confiscated to their own benefit the funds of which they were lawfully but trustees. There is scarcely an instance of any town sending representatives to Parliament where the Mayor, Aldermen, etc., have not regularly seized upon, or clutched at, the nomination of the Members, and, if induced to it by opposition, where they have not, without scruple, mortgaged the town estates or wasted the capital, to

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[1] Report and Evidence of the Royal Commission on the Corporation of London, 1854, Q. 159-165, p. 21. "The toll paid upon every non-Freeman's cart entering the City at Holborn Bridge and the other City bars is twopence each time" (*The Local Government of the Metropolis*, Anon. 1836, p. 8).

[2] This impost still (1907) exists, for the benefit of the Newcastle Town Council (and thus of the ratepaying property owners) at Newcastle-on-Tyne.

[3] First Report of Municipal Corporation Commission, 1835, vol. ii. pp. 862, 953, vol. iii. p. 1566. These coal duties existed also at Brighton, Deal, and other southern coast towns, but were there levied by statutory bodies of Improvement Commissioners, with which we shall deal in our next volume. From these duties, levied under statute, as from the statutory coal and wine duties of the City of London, Freemen were not exempt.

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[1] *Free Thoughts on the Offices of Mayor, Aldermen, and Common Council of the City of Bristol, with a constitutional proposition for their annihilation*, 1792, p. 11. This obscure pamphlet is almost the only "Radical" criticism that we have found before the nineteenth century.

[2] Burke to the Chevalier de Rivarol, in 1791, in *Correspondence of Edmund Burke*, by Earl Fitzwilliam and Sir R. Bourke, 1844, vol. iii. p. 212.

[3] The current assumption of the Radicals, that the Municipal Corporations had no legal right to levy rates, and had seldom done so—though it has obtained wide acceptance—was not in accordance with facts. In former times the payment of "town scot" or the levy of a "cess," on the general authority of the Corporation, had been usual. At Bristol, Lynn, and other towns, the power to rate had been expressly given by old Charters. In some Corporations the Corporate Justices had long levied a rate for the expenses of justice and maintenance of gaols, under such names as the County Rate, the Borough Rate, the Town Rate, the City Rate, the Liberty Rate, the Hundred Rate, the Gaol Rate, the Marshalsea Rate, etc. This was definitely authorised by statute in 1784 (24 George III. c. 54) for all Corporations having Courts of Quarter Sessions, as a County Rate, or "rate in the nature of a County Rate," for the cost of the administration of justice. Express power to pay for the erection and maintenance of prisons out of rate was given by 4 George IV. c. 63 (1823). Between 1784 and 1833 about half the Corporations in towns over 11,000 population, and a quarter of those in smaller towns—apparently about

fifty or sixty in all—were levying rates of one sort or another. Some Manorial Boroughs (such as Folkestone, which levied an "Ability Tax" on all householders; and Lewes, which had its "Town Tax") had similar assessments, whilst some of them, and many Municipal Corporations, charged (like the Lord's Court of Manchester) certain expenses to the Overseers, and got them from the Poor Rate. At Huntingdon, for instance, we learn "the gaol expenses are paid out of the poor's rates under the head of Constable's disbursements" (Reports of Inspectors of Prisons of Great Britain, H. of C., No. 117 of 1836, p. 37). In some towns the subject was in dispute. For instance, at Bristol no Municipal or County Rate was levied, though the cost of the Nightly Watch (which was authorised by the Mayor and Aldermen, and controlled in each Ward by the Alderman of the Ward) was, by statutory authority, met by a rate made at the Ward meetings, much in the same manner as in the City of London. The Corporation's attempt to levy a County Rate was resisted. The Radical assumption was so far warranted by facts that the Municipal Corporations rarely levied any rate for general expenses.

[1] "The Municipal funds of Corporations are the property of the inhabitants . . . the members and executive bodies of Corporations are the trustees and servants of the public" (*The Governing Charter of the Borough of Warwick*, by Joseph Parkes, 1827, p. vii.).

find means for the most iniquitous and barefaced corruption of voters. The fact is that Parliamentary Reform, if it were not to include Corporation Reform likewise, would have been literally a dead letter, except in so far as the County representation be concerned. With regard to Cities, Towns, etc., the Mayors, Aldermen, Common Councillors, Freemen, etc., by whatever denomination the constituency of these Chartered hogsties might be known, were but so many component atoms of one great mass of political baseness and pollution."[1]

(*b*) *Instalments of Reform*

It is significant of the widespread feeling that the Municipal Corporations, as they stood, were indefensible that the first instalments of reform came in the unreformed Parliament, under the Tory Ministry of the Duke of Wellington. But it was not the appalling shortcomings of Municipal government in the great towns that first led to reform, nor yet the mismanagement of the Corporation funds; not the non-elective character of the governing bodies, nor even the

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Times, 25th June 1833. The following are the principal unofficial publications (other than those relating to particular towns) leading up to the reform of 1835. *The Black Book or Corruption unmasked; being an account of places, pensions, and sinecures . . . forming a complete exposition of the cost, influence, patronage, and corruption of the . . . Borough Government* [by John Wade], 1820-23, other editions, 1831, 1832, 1835; *Lex Angliae non patitur absurdum: a Letter to the Rt. Hon. George Canning on Usurpations in Boroughs*, by J. E. Elworthy, 1825; *Observations upon the Municipal Bodies in Cities and Towns, incorporated by Royal Charters*, by R. P. Cruden, 1826; *On the Abuses of Civil Incorporations, in a Letter to Hudson Gurney, M.P.*, 1830; *Observations on the Principles to be adopted in the establishment of New Municipalities, together with the heads of a Bill for their future Regulation and Government*, by Sir Francis Palgrave, 1832, another edition, 1833; *Letter to the Rt. Hon. James Abercromby, M.P., Chairman of the Committee on Corporations*, by H. F. Stephenson, 1833; *On National Prosperity and on the Prospects of the present Administration and of their Successors* [perhaps by Nassau Senior ?], 1835; articles in *London Review*, 1835, by J. A. R[oebuck], on "Municipal Corporation Reform"; and by J. S. Mill, in criticism of the Bill, on "Parliamentary Proceedings of the Session"; *The Municipal Corporation Reformer*, by F. Place and J. Fletcher, 1835; *Letter addressed to his Grace the Duke of Richmond, upon Corporate Reform*, by A. J. Stephens, 1835; *What should the Lords do with the Corporation Reform Bill*, 1835; *Speech of Sir Charles Wetherell at the Bar of the House of Lords against the Municipal Corporation Bill*, 1835; *Speech of J. L. Knight, K.C., against the Municipal Corporation Bill*, 1835. The publication at this juncture of *The History of the Boroughs and Municipal Corporations of the United Kingdom*, by H. A. Merewether and A. J. Stephens, 1835, was opportune.

insufficiency of the Municipal Magistracy and police. The first outpost to be carried was the requirement of profession of faith in the Church of England, before assuming any Corporate office; a requirement which—though no longer entirely preventing the admission of Nonconformists, who had long been relieved from penalties by annual Indemnity Acts—stood in the way of their co-option, and prevented many scrupulous Dissenters from accepting nomination as Sheriff, Alderman, or Mayor. Many previous attempts to repeal the Corporation and Test Acts had failed; but in 1828, under the influence of changing public opinion, Parliament gave way.[1] The Tory Cabinet, under the Duke of Wellington and Sir Robert Peel, at first decided to resist the reform.[2] The motion of Lord John Russell in favour of repeal was, however, carried by 237 to 193, and a Bill was sent up to the House of Lords substituting, for the oaths and certificates, a mere declaration of allegiance.[3] In the House of Lords the Ministry had to admit, against their will, the insertion by the Bishop of Llandaff of the words "on the true faith of a Christian," which, almost without any one considering the matter, excluded Jews and other non-Christians;[4] and the Duke only got the

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[1] Hansard, 11th, 26th, and 28th February 1828, vol. xviii. pp. 305-307, 676-784, 816-833.

[2] Lord Ellenborough's diary brings the scene vividly before us (23rd February 1828). "At the Duke of Clarence's dinner, where the Cabinet, etc., dined, I asked Peel what his objections were to the repeal of the Test and Corporation Acts. He said that under the Acts there had been no difference between the Church and the Dissenters; that there was no practical grievance, and that he would rather continue this sort of quiet and rest to the Church than open a new state of things which might not be accompanied with the same degree of tranquillity. He added that he thought the repeal would prejudice the Catholic question, and that if he was in favour of the Catholics he should, on that ground, oppose the Repeal. The Corporation of Nottingham is in the hands of the Dissenters, and I believe others are. The Duke of Wellington said the law as it stood practically now was not intended to prevent Dissenters from being in Corporations, but to prevent them from doing mischief when they were there. We are to have a Cabinet on Monday to consider whether opposition to the Repeal shall be made a Government measure . . ." (25th February 1828). "Cabinet at 3. Decided that the Repeal of the Test and Corporation Acts should be opposed by the Government on the ground that there was no practical inconvenience; that the thing worked well; and that it was unwise to change the relative position of persons who went on so well together. Huskisson, others, and I, said we must object to the Repeal, not only on that ground, but as prejudicing the Catholic question. This was assented to" (*A Political Diary*, by Lord Ellenborough, 1881, vol. i. p. 38).

[3] Hansard, 14th, 18th, and 24th March 1828, vol. xviii. pp. 1137, etc.

[4] This declaration was abolished in 1858.

Bill through at all,[1] against the stubborn opposition of Lord Eldon, by extreme skill and tact.[2]

The second outpost, the inviolability of the property of the Corporations, was not carried until the advent of a Whig House of Commons. The conduct of the Corporation of Leicester at the General Election of 1827 (described in a preceding chapter),[3] in shamelessly using its Corporate powers, property, patronage, and judicial authority to get two Tory Members elected for the Borough, had met with general public condemnation. Motions in the House of Commons in 1827 for a Select Committee of Inquiry were rejected, on the ground that the action of the Corporation, in "doing what it liked with its own," was not illegal, and that no case for an investigation by the House of Commons had been made out.[4]

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[1] "Repeal of the Sacramental Test. Lord Holland made a long historical speech; he exaggerated the grievance and forgot the Indemnity Bills. Lord Eldon exaggerated the security and forgot the Indemnity Bills too. [The Bishops of] Durham (Van Mildert), Chester (Blomfield), York (Vernon), and Lincoln (Kaye). Kaye best. Chester like a schoolmaster. Durham in rather a slovenly manner. Eldon was very solemn, but he would not have divided ten. The Duke did not explain the grounds on which the Government had acted very clearly. Goderich spoke, and all about himself. . . . On the whole, it was a dull debate" (*A Political Diary*, by Lord Ellenborough, 1881, vol. i. p. 84, 17th April 1828). "We wished to keep the Bill as it came up from the Commons without alteration; but the feeling in favour of giving some more solemn sanction to the declaration was so strong that we were obliged to yield, and did it well. The Duke moving first 'in the presence of God,' and afterwards 'upon the true faith of a Christian.' We resisted converting the declaration into an oath, and had 100 to 32. This decision, and our introduction of the words 'upon the true faith of a Christian,' enabled us to resist Lord Winchelsea's amendment, 'in Jesus Christ the Son of God,' and another foolish amendment of Lord Tenterden's, which we did not think it worth while to speak against. We managed to keep the Bishops with us, to divide with a great majority, to resist successfully amendments which would have nullified the measure, or converted it into a penal law, and to have all the grace of concession" (*ibid.* p. 86, 21st April 1828). "We went into the Test Repeal Bill. Eldon proposed a new preamble to the clause containing the declaration, taking his preamble from the Act of Union with Scotland, and announcing that he meant to move the insertion in the declaration of the words, 'that I am a Protestant.' . . . Old Eldon fighting hard and well. The argument was that, without the words he proposed Catholics might be admitted to Corporations, as many of them would take the Oath of Supremacy. We rejected the alteration of the preamble by 2 to 1, keeping our Bishops" (*ibid.* p. 88, 24th April 1828).

[2] Hansard, 17th, 21st, 24th, 25th, and 28th April, 1st and 2nd May 1828, vol. xviii. pp. 1450-1520, 1571-1610; vol. xix. pp. 39-49, 109-137, 156-186, 230-237, 289-300; *A Political Diary*, by Lord Ellenborough, 1881, vol. i. pp. 88-90.

[3] *Supra*, pp. 475-481.

[4] Hansard, 15th March and 22nd June 1827. The wickedness of the Leicester Corporation had been effectively brought to the notice of reforming

Eventually, however, Colonel Maberley got a Bill through the House, which would have restrained Municipal Corporations from applying their funds to electoral purposes. This was hotly resisted in the House of Lords by Lord Eldon, who laid it down in express terms that Municipal Corporations had, in respect of any funds not affected by specific trusts, as full rights of ownership as any private proprietor. The Bill was accordingly "thrown out upon the third reading upon the motion of Lord Eldon, on the principle that, if the application made by them of their own funds was legal, they ought not to be restrained, and if they applied them corruptly, or otherwise contrary to law, they were punishable as the law now stands."[1] In the following year a similar Bill was again passed by the House of Commons, in spite of the argument that it was "an unjustifiable interference with vested rights," and that "Corporations were meant to possess political influence."[2] In the House of Lords it was again defeated by Lord Eldon, who authoritatively informed the House that "Corporations were situated precisely the same as individuals; they . . . held property not in trust, and over such property the Corporation exercised the same rights as individuals did over their own property. There was no difference known to the law."[3] We do not find that any competent lawyer was put forward to rebut the view of the legal position taken by the Lord Chancellor. It is therefore all the more significant that, after the General Election of 1831, not only did the House of Commons again pass the Bill, but the House of Lords accepted without protest this interference with the rights of ownership. The statute of 1832, entitled "An Act to prevent the application of Corporate property to the purposes of the election of Members to serve in Parliament"[4]—without in any way affecting the powers of private owners or professedly altering the status of Municipal Corporations—imposed upon these latter a special disability, and restrained what Sir Francis Palgrave

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Members by Joseph Evans, the defeated Whig candidate (*Music and Friends*, by W. Gardiner, 1838, vol. ii. p. 628). Other instances of electoral interference by Municipal Corporations were supplied by Northampton, Rye, and Limerick.

[1] *The Diary and Correspondence of Charles Abbot, Lord Colchester*, 1861, vol. iii. p. 516 (13th June 1827).

[2] Hansard, 10th June and 10th July 1828.

[3] *Ibid.* 17th July 1828.

[4] 2 and 3 William IV. c. 69 (1832).

described as "the mischievous power hitherto possessed by the Ruling Bodies of Corporations . . . of misapplying their Corporate funds for the purpose of defraying the electioneering expenses of a favourite candidate."[1]

Meanwhile the general objection to the Municipal Corporations as local governing authorities was slowly gathering weight, and responsible statesmen on both sides of the House were looking forward to some measure of "Municipal police."[2] But so long as attention was occupied by the Reform Bill, the amendment of Municipal government formed no part of the popular demand.[3] When, however, in 1833 the first reformed Parliament came together, with its enormous majority in favour of change, the popular grievances against Municipal Corporations suddenly became prominent both inside and outside the House of Commons. Petitions reached the Members of Parliament, praying for the substitution of a "Magistracy chosen by the people" for the "self-elect," and demanding complete publicity and control of Corporate funds. The Ministry chose to grapple with the problem first where there was likely to be least resistance. All the evils of Municipal Corporations prevailed, in their most extreme form, in the Boroughs of Scotland, and as to these information had already been obtained by the House of Commons in abortive inquiries of 1793, 1819, 1820, and 1821.[4] There is evidence that

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[1] *Observations on the Principles to be adopted in the establishment of new Municipalities*, by Sir Francis Palgrave, 1833, p. 65.

[2] Thus, Sir James Graham, then a Whig, speaking in January 1830, said that "he looked forward to strengthening and consolidating popular independence in the towns by Municipal Reform, the breaking up of the old corrupt and exclusive bodies, and the throwing open of Corporate as well as Parliamentary franchises to all persons rated at a certain amount" (*Life and Times of Sir James Graham*, by T. M'Cullagh Torrens, 1863, vol. i. p. 341). In the same month Place was drafting resolutions on the subject for Joseph Hume to move in the House of Commons (Place to Hume, 7th January 1830; in Add. MSS. 35,148, p. 41).

[3] It was, for instance (along with Poor Law Reform), omitted from the pledges, seven in number, which Francis Place drafted for submission to Whig and Radical candidates at the 1832 election (*Life of Francis Place*, by Graham Wallas, 1898, p. 326).

[4] The reform of the Scotch Boroughs had been advocated and elaborately argued since 1785; first by Archibald Fletcher, a Scotch advocate, and then by Lord Archibald Hamilton, M.P., in the House of Commons of 1818-1821. The best account of the 1833 reform will be found in *A Guide to Modern English History*, by W. Cory, 1882, vol. ii. pp. 357-364; see also *Burgh Reform, a Speech, etc.*, by Lord Archibald Hamilton, M.P., 1819; *Substance of a Speech, etc.*, by the same, 1822; Report from the Committee to which the several

Lord Grey's Ministry had before them the subject of Scottish Borough Reform in the autumn of 1832;[1] and already in February 1833, though the measure had not been included in the King's Speech, Lord Althorp announced that a Bill would be introduced. At the same time he declared that it was the intention of the Ministry to propose a measure establishing Municipal government in those large unincorporated towns in England which had been given the privilege of returning Members of Parliament.[2] With regard to the existing Corporations in England and Wales it was, he said, evident that the Corporate Magistracy had forfeited the public confidence, and "complaints of the malversations of Corporations were constantly and universally heard."[3] But as there was a great lack of information on the subject, the Ministry proposed to entrust it, in the first instance, to a Select Committee of the House of Commons.[4] This Committee, which included

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petitions . . . from the Royal Burghs of Scotland . . . were referred, 17th June 1793; reprinted 23rd April 1819, and in the *Scotsman*, 25th September and 2nd October 1819; *Constitutions of the Royal Burghs of Scotland*, 1818; Reports of House of Commons Committees as to Royal Burghs, 1819, 1820, and 1821; the speeches of Lord Archibald Hamilton and others in Hansard, vol. xxxvii. pp. 423-438, 13th February 1818, pp. 1291-1295, 10th April 1818; vol xxxviii. p. 530, 5th May 1818; vol. xxxix. February to April 1819; vol. xl. pp. 179-198, 6th May 1819; vol. xli. pp. 1400-1401, 21st December 1819; vol. i. (new series), p. 94, 4th May 1820, etc.

[1] *Leeds Mercury*, 17th November 1832.

[2] This Bill was delayed, and a private Member gave notice that he would himself bring in such a measure (Hansard, 1st August 1833; *Bell's New Weekly Messenger*, 4th August 1833). The Government Bill was thereupon introduced by Brougham in the House of Lords on 22nd August 1833. It was not proceeded with, and may have been intended only as an experimental test of public opinion. It proposed to set up, in thirty large towns, representative Town Councils, elected in Wards, for a term of three years, by the Parliamentary voters (£10 householders). The Council was to choose from its own members a "Board of Aldermen" (recalling the Bailies of the Scotch Boroughs) holding office for life, to act as Magistrates for the Borough, in conjunction with the County Justices. The Recorder, who would preside at Quarter Sessions, was to be appointed by the Crown (Hansard, 22nd August 1833). This project was hotly discussed by the Radical Press, which objected to the indirect election of "life Aldermen"; whilst the Whig newspapers demurred to any elective element in the Magistracy. See, for instance, *Leeds Mercury*, 31st August 1833; *Globe*, 23rd August and 12th September 1833.

[3] Hansard, 14th February 1833.

[4] "One of the measures much petitioned for, and really required, was Municipal Reform. The Ministers thought it too difficult and important a thing to be undertaken without careful inquiry, and proposed a Select Committee to investigate the subject by examination of witnesses, etc. Of this Committee I had the honour to be nominated a member" (*Autobiographic Recollections of George Pryme*, 1870, p. 196).

Althorp, O'Connell, and Sir Robert Peel,[1] got immediately to work, under the chairmanship of James Abercromby, one of the best-informed leaders of the Whig Party; and promptly found itself involved in a tangled maze of complicated detail as to the constitution, powers, and particular misdeeds of the score of Boroughs to which it directed its attention. Meanwhile, however, amid the usual indifference of the English Members to measures affecting the internal affairs of Scotland, the Scottish Burghs Bill passed rapidly through both Houses of Parliament, and became law without serious opposition. This Act, which established in the Scottish Boroughs representative Town Councils, elected by the Parliamentary constituencies, the eight largest Boroughs being divided into Wards, and which vested in these elective Councils the entire property and rights of the old Corporations, served as an important precedent for the English measure.[2]

[1] The Committee, which comprised at first thirty-three and ultimately thirty-seven members, was complained of by the *Morning Post*. "We wonder," it said, "that no independent Member of Parliament has yet directed the attention of the country to the monstrous partiality with which Ministers have composed the Committee who are to report upon the merits and demerits of Chartered Corporations"; alleging that it included fewer than half a dozen Conservatives to five times that number of Whigs and Radicals (*Morning Post*, 21st February 1833).

[2] 3 and 4 William IV. c. 76; extended to thirteen newly created Parliamentary Boroughs by 3 and 4 William IV. c. 77 (1833). "A Tory cried out that a city, with its religion, its education, its art and taste, was given up to 'a mob of tenpounders,' as if there were no householders who were rated above ten pounds. This mistake was a bit of the coarse and impetuous thinking which was then in fashion amongst Tory writers. Their thoughts had a general flavour of convivial emphasis" (*Guide to Modern English History*, by W. Cory, 1882, vol. ii. p. 363). It was afterwards said without contradiction that only three Peers expressed any opposition to the Bill, and that there were at no time more than thirty Peers present whilst it was being passed (Hansard, 17th August 1835, vol. xxx. p. 576). "It would seem," observes a thoughtful historian, "that in passing the Act which reformed the Scotch town government, they [the Lords] did not observe how they were establishing a precedent for England. Perhaps their acquiescence was due to nothing more or less than a vague sense of Scotland's being one of those objects which a man of fashion could not be expected to notice" (*Guide to Modern English History*, by W. Cory, 1882, vol. ii. p. 358). The reports of the result of the Scotch Municipal elections were encouraging. "The 'ten-pounders' behaved as well in electing Town Councillors as in electing Members of Parliament. They voted for persons of sufficient station; indeed, it was observed with some surprise that the new Councillors were richer than their predecessors. The experiment was so satisfactory as to encourage a similar reform of Municipal Corporations in South Britain" (*ibid.* p. 364).

(c) *The Royal Commission*

To prepare the way for the general reform of the English Municipal Corporations the Whig Government made use of what is now one of the most characteristic devices of the English Constitution, a Royal Commission of Inquiry. Such Commissions were not without precedent, but they were not, before 1831, an accepted and customary part of the machinery of legislation; whilst in the ten years of Whig rule they became so frequent as to attract both admiration and derision. The first four years were especially prolific in Royal Commissions. The long period of Tory rule, with its reluctance to change, at a time when the Industrial Revolution was transforming almost every social relationship, brought the new Ministry face to face with a whole array of urgent social problems, for the solution of which they called to their aid an unparalleled number of temporary advisers. "It is a marked feature of the years stamped with Earl Grey's name," writes a fervent admirer, "that the Ministers employed assistants in planning reforms, with a sincere intention of acting on their advice, and also with despatch and eagerness. It looks as if they heartily enjoyed the opportunity of summoning to their aid many clever men who were not in Parliament or in office, of whom many were known to them, not as kinsmen or favourites, but as good citizens and good reasoners. From the Commissions which they formed, ministerial and oratorical persons were not excluded; a leaven of debate or of routine was not to be abhorred; but the spirit of these temporary bodies was the intellectual fervour of early manhood. Men braced by recent study of mathematics and of law, yet not so fresh from Chambers as to seem bookish in the eyes of practical men, were admitted to an honourable share in the prelude of legislation long before they could earn those positions which give people irresistible claims. Such men were standing, when called to this work, at the point where the ways part, that lead towards practice in the law courts or towards the grooves of salaried duties. They touched with one hand the ancient machinery of forensic inquiry, with the other hand the new methods of inductive and experimental science. . . .

Twenty or thirty years after being called to the Bar an Englishman, it seems, thinks it beneath him to consider what ought to be the law, except when he has a chance of determining what is the law by deductive reasoning. If caught at the age of thirty there is fair hope of a barrister's being modestly legislative, ready to treat the author of a theoretical treatise as a possible ally, and inclined to help a statesman as an engineer helps a general. Part of the felicity of the Grey period was that youth, zeal, ideas, and philosophy contributed freely to legislation. And although that period was short, the impulse given has been felt ever since. There has been a new variety evolved of British liberty, since reasoners began to be entrusted with the making of schemes. The men eligible for temporary Commissions are interpreters for several permanent sets of men who divide amongst them several regular employments. They soften the crudities of philanthropy; they trim between parties; they draw out the latent knowledge of those whom circumstances debar from notoriety." [1]

Of all the Royal Commissions of these years two stand out as models of investigation, upon the results of which English Local Government was reorganised. With the first of these, the celebrated Commission on the Poor Law, we shall deal in our next volume. The other, the Municipal Corporation Commission, we have now to describe.

We may believe that it was not difficult to persuade the Select Committee of the House of Commons that the task of investigation which it had undertaken was too complicated and extensive for the time and means at its disposal.[2] Whilst reporting "that Corporations as now constituted are not adapted to the present state of society," the Committee recommended [3] the appointment of a Commission, whose members could themselves visit the various Boroughs, in order to ascertain on the spot both the size, circumstances, powers, and exact constitution of each Corporation, together with the grievances alleged against it.[1]

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[1] *Guide to Modern English History*, by W. Cory, 1882, vol. ii. pp. 366-368.

[2] "We selected for our examination," says a member of the Committee, "Boroughs of wholly distinct characters. While we were still sitting it was found [that it would be] difficult to make our inquiries sufficiently extensive, and that it would be desirable to send Commissioners to inquire on the spot into the state of every Corporation" (*Autobiographic Recollections of George Pryme*, 1870, p. 196).

[3] Report of Select Committee on Municipal Corporations, 1833, p. vi.

The Royal Commission "to inquire into the existing state of the Municipal Corporations in England and Wales, and to collect information respecting the defects in their constitution," was not composed, as that on the Poor Law had been, of half a dozen eminent personages, themselves unpaid, charged to employ peripatetic investigators, and upon the information thus obtained to propound an authoritative scheme of reform. For Municipal government it was assumed that the scheme of reform had been, in general outline, adumbrated by the Scotch Act, Lord Brougham's Bill, and the report of the House of Commons Committee. The Municipal Corporation Commission was intended to be itself a group of travelling investigators, who were, for a substantial fee *per diem*, individually to visit all the Corporations, and collectively to sum up their general conclusions. Instead of the philanthropic Bishops and learned statesmen of the Poor Law Commission, Lord Grey chose for the Municipal inquiry a score of young barristers, whose names were mostly as yet unknown to the public, but who were recommended to him as men of capacity and good will. It must be said, indeed, that they seem practically all to have shared the then fashionable opinions of the enlightened Whig.[2]

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[1] An Address praying for the appointment of such a Commission was formally passed by the House of Commons, and the Commission was appointed on 18th July 1833. Two years later, when the legality of such a Commission was angrily impugned (by which no more was meant than that it had no compulsory powers), Lord Brougham repeatedly asserted that it was he who had suggested it (Hansard, 30th July and 12th August 1835, vol. xxix. p. 1236, vol. xxx. p. 387). Ten years previously, in connection with the controversy in 1823 as to the electoral franchise at West Looe, the Whig lawyer, Merewether, had incidentally suggested the desirability of appointing a Royal Commission to investigate the Corporation records of all Parliamentary Boroughs (*Report of the Case of the Borough of West Looe*, by H. A. Merewether, 1823, p. i.). But already, in 1759, Philip Cantillon had suggested "that a Committee may be appointed by law to take an account of the revenues of each Corporation in the Kingdom, and particularly of the large sums yearly spent by the Mayors, Aldermen, Sheriffs, Masters, etc., of each Corporation in unnecessary feasting" (*The Analysis of Trade*, by Philip Cantillon, 1759, p. 18).

[2] Only five out of the twenty Commissioners (besides one who died before the Commission ended its work) failed to achieve sufficient eminence to be eventually included in the *Dictionary of National Biography*. The only one among them who can be said to have been distinguished at the time of his appointment was Sir Francis Palgrave (1788-1861), already a noted historian and antiquary, afterwards Deputy Keeper of the Records. Among the others were A. E. Cockburn (1802-1880), destined to become Lord Chief Justice; F. W. L. Dwarris (1786-1860), afterwards Sir Fortunatus Dwarris, a leading

One of them, John Blackburne, M.P.,[1] not the most distinguished of the group, was nominated as their Chairman, or "Chief Commissioner," and to him was committed the responsibility of directing the work and drafting the final report. To serve them as secretary and general organiser of the work was assigned the able young solicitor who had latterly become the trusted "election lawyer" of the Whig Ministry, Joseph Parkes, of Warwick and Birmingham.[2]

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official lawyer and legal writer; E. J. Gambier (1794-1879), afterwards Chief Justice of Madras; E. Rushton (1796-1851), Peregrine Bingham (1788-1864), George Long (1780-1868), and D. Jardine (1794-1860), who became Stipendiary Magistrates of some distinction; Charles Austin (1799-1874), afterwards the great Parliamentary lawyer; J. Booth (1796-1880), afterwards Secretary to the Board of Trade; T. F. Ellis (1796-1861), afterwards distinguished as a law reporter; H. Roscoe (1800-1836), author of legal text-books; J. E. Drinkwater, who added the name of Bethune, and became Legal Member of the Indian Council; and T. Jefferson Hogg (1792-1862), the friend and biographer of Shelley.

[1] Of Blackburne we know little more than Parkes's remark to Place that he was "an excellent Rad[ical], Ballot, etc." (Parkes to Place, 4th November 1833, in Add. MSS. 35,149, p. 234). Place replied that he thought him "in most things right-minded, but he is one of those who drive me away: he puns and jokes and gibes in the middle of the most serious matters" (Place to Parkes, 8th November 1833, *ibid.* p. 236). He was M.P. for Huddersfield, and spoke several times in the session of 1835 in defence of what was in reality largely his own measure (Hansard, vols. xxviii. xxix. and xxx.).

[2] Joseph Parkes (1796-1865), "a rather pleasant-talking, shrewd enough little fellow, with bad teeth, and a knowing, flighty, satirical way" (*Reminiscences of T. Carlyle*, by J. A. Froude, 1881, vol. i. p. 234), was, with his friend Francis Place, a great part of the hidden moving force of the Whig Government of 1831-35. In 1827 he published *The Governing Charter of the Borough of Warwick*, a meritorious and outspoken attack on the abuses of Municipal Corporations, but first obtained influence on being sent for by Lord Althorp in 1831 to act as "go between" with the Birmingham Political Union (*Memoir of Earl Spencer*, by Sir Denis Le Marchant, 1876, p. 368). "He possessed great industry, a vast amount of cool courage, *savoir faire*, an enthusiasm for the Radical creed . . . an infinite capacity for taking pains in the accumulation of significant facts, and an enviable skill in the art of putting things adroitly. . . . Like other sanguine men, he sometimes jumped to conclusions and committed himself to sweeping generalisations which the logic of events did not justify. . . ." Few "are in a position to understand how much the country owes to this remarkable man" (*Life and Letters of the First Earl of Durham*, by S. J. Reid, 1906, vol. ii. p. 71). The Whigs appreciated him highly. "He is, in truth," wrote Creevey in December 1833, "a very remarkable man in every respect. He is mixed up with all classes—Church, Chapels, and State; and as well or better calculated for utility than any man I know or have heard of. He is Secretary to the Corporation Commission, and all the beneficial results of that most judicious and successful measure are attributable to him. He has great influence in the Trade Unions; he is a prime leader of the Dissenters" (*The Creevey Papers*, by Sir H. Maxwell, 1903, vol. ii. p. 270). "I shall do great good," he himself wrote to Place, "in the Corporations Commission. I thoroughly, as you know, understand the Municipal question—what our civic institutions are and what they should be. We shall do our duty. Our chief,

Never, we imagine, has an investigating Commission more successfully accomplished the task entrusted to it. Appointed in July 1833, the twenty Commissioners were called upon to furnish, within the short space of about eighteen months, a precise and verified account of the constitution, powers, property, jurisdiction, circumstances, and internal politics of some hundreds of Municipal Corporations, of which practically nothing was with any certainty known, and of which not even a list could be supplied to them; and to present this account in a form which would both enable the Ministry to draft the proposed Bill with accuracy and comprehensiveness, and convince Parliament and public opinion of its necessity. What the Commissioners did was to divide themselves up into couples, and to allot to each couple a series of towns in which it was believed that Corporations existed; to visit successively each of these towns and hold in each a public Court of Inquiry;[1] to verify as far as possible from the official documents the statements made to them; and to compile, for each Corporation, a careful and minute description covering the whole field of the inquiry. We ascribe the success of their work, not so much to the individual ability of the members, as to the excellence of the instructions that they

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Blackburne, is an excellent Radical, Ballot, etc., and the majority of our men are Balloteerers. What our *juste milieu* Ministers will do, or the 'Gratitude Parliament,' you know as well as I do. I augur no great political progress in this country till we do obtain a popular elective Municipal system" (Parkes to Place, 4th November 1833, in Add. MSS. 35,149, p. 234). After 1835 he went out of politics, and applied himself to his business as solicitor. He was eventually made a Taxing Master in Chancery. See his correspondence with Place (Add. MSS. 35,149 and 35,150); *Life of Francis Place*, by Graham Wallas, 1898, pp. 276-298; *James Mill*, by Alexander Bain, 1882, p. 454.

[1] The newspapers of the time show us the Commissioners going from town to town; see especially *Morning Post*, 25th September, 1st, 3rd, and 14th October 1833; *Times*, 6th December 1833; and *Leeds Times*, 21st December 1833. They did not publish official reports of their local proceedings, preferring (to the great advantage of the student) to compile their own lucid statements of fact. But many reports were published by local enterprise, of which we have seen the following: *Report of the Inquiry into the existing state of the Corporation of Hull, etc.*, 1834; *A copious Report of the Inquiry into the affairs of the Corporation of Liverpool, etc.*, 1833; *A Report of the Proceedings of a Court of Inquiry into the existing state of the Corporation of Liverpool, etc.*, 1833; *The Corporation Commission: Report delivered to the Committee in aid of Corporate reform . . . of the City of London*, 1833; *Newcastle Corporation Inquiry*, 1833; *Nottingham Corporation: a Report of the Evidence, etc.*, by Thomas Cockayne, 1833; *A Report of an Inquiry into the present state of Warwick Corporation, etc.*, 1834; *Great Yarmouth Corporation: a Report of the Investigation, etc.*, 1834.

prepared for themselves and the exactitude and loyal obedience with which, with one or two exceptions, they adhered to them. Parkes, who had six years before himself investigated the Corporation of his native town of Warwick,[1] seems to have drawn up the most minute and comprehensive schedule of the points on which information was required; and he seems, moreover, to have succeeded, to a far greater extent than in any similar investigation known to us, in inducing his team of inquirers not only to bring to their work the same spirit, but even to couch their reports in the same style, to deal with all the various points in precisely the same order, to give in all cases exactly the same kind of details, and not to rest satisfied until every obscurity was removed. The result is that the four volumes of descriptions of individual Corporations which were presented to the Ministry in March 1835 constitute, notwithstanding some shortcomings and certain conspicuous failures, a survey of their particular field to which, for systematic accuracy, lucidity, and completeness, we know no rival.[2]

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[1] He had, moreover, access to the collection of materials on Corporation reform which his friend Francis Place had begun to form some years previously. He "speaks of having 'inhabited' Place's library in Brompton Square during May 1834" (*Life of Francis Place*, by Graham Wallas, 1898, p. 341). He had a clever young Benthamite as Assistant Secretary, Joseph Fletcher, the first Honorary Secretary to the Statistical Society, to which he contributed several papers. He was afterwards successively an Assistant Commissioner under the Royal Commission on the Handloom Weavers; Secretary to that Commission and to the Royal Commission on the Employment of Women and Children in Mines, and an Inspector of Schools. In 1851 he published *Education: National, Voluntary, and Free.*

[2] The Commissioners inquired into 285 towns, in 246 of which they found Municipal Corporations of one sort or another. In five cases all information was refused (Corfe Castle, Dover, Lichfield, Maidstone, and New Romney), which stood in the way of any reports being made on Corfe Castle and New Romney. Owing to the failure of T. J. Hogg to produce his reports, none were ever obtained on Carnarvon, Colchester, Sudbury, Great Yarmouth, Saffron Walden, Harlech, and Holt, whilst those for fourteen others were not delivered until 1838 (Reports on Certain Boroughs, drawn by T. J. Hogg, 1838). And, most important of all, the City of London was neither so adequately investigated as were the other Corporations, nor was the report upon it completed and published until two years after the rest (Second Report of Municipal Corporation Commission, 1837). The main report, with four volumes of appendix, dealing with 261 towns, was issued in April 1835 (First Report of Municipal Corporation Commission, 1835); the first volume of an unofficial summary was published immediately by one of the Commissioners (*The Corporations of England and Wales, etc.*, by A. E. Cockburn, 1835); and a very elaborate index four years later (Analytical Index to the First Report of the Municipal Corporation Commission, 1839).

The Commissioners presented their General Report at the end of March 1835, exactly at the moment when Sir Robert Peel was terminating his brief interlude of office, and Lord Melbourne was forming his Cabinet. We have dwelt on the excellence of the investigations made by the Commissioners, the accuracy of the information that they obtained, and, taken as a whole, the fair way in which they individually discharged their duties. We cannot, as impartial historians, accord the same praise to the General Report to which they (with two exceptions[1]) appended their signatures, however little we, as reformers, can refuse admiration of its dynamic potency. This General Report, which alone the public (and, we fear, also Parliament and the Cabinet) were likely to master, consisted of a tirade of mingled denunciation and insinuation directed against the whole body of Municipal Corporations, superficially fortified by a citation of bad instances, but unaccompanied by any statistical survey as to the prevalence or distribution of the evils complained of. A repeated use of the words "frequently," "generally," and "in many instances," coupled with a reference to the notorious cases, enabled the Commissioners to imply that the whole two hundred Municipal Corporations were guilty of "the alienation in fee of the Corporate property to individual corporators"; "the execution of long leases for nominal consideration"; the voting of "salaries to sinecure, unnecessary, or overpaid officers"; the devotion of their income to "entertainments of the Common Council and their friends"; and the misappropriation of trust funds "to gain or reward votes both at the Municipal and Parliamentary elections." On the Commissioners' own showing not one of these statements is true of more than half a dozen out of the couple of hundred Corporations; yet the impression is skilfully conveyed that these evils are characteristic of all of them. "Each personal default," as Sir Francis Palgrave vainly protested, "each local abuse, is ascribed to the whole aggregate of Municipal Corporations: including not merely the transactions of the present era, but ranging without limitation of time to the past, and suggesting, as existing defects, abuses which have ceased or have been wholly extirpated."[1] The way is thus prepared for the rhetorical flourishes with which the Report concludes. The "perversion of Municipal institutions to political ends," "the positive distrust and dislike" entertained towards the Borough Magistrates "as political partisans," the "mismanagement of the Corporate property of the most glaring kind," prove, to the minds of the Commissioners when gathered together to sign their General Report (although each Commissioner had individually reported on his own towns in a different sense), that the whole body of Municipal Corporations in England and Wales, "where not productive of positive evil . . . exist, in the great majority of instances, for no purpose of general utility."

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[1] The dissentients were Sir F. Palgrave and T. J. Hogg. One other Commissioner did not actually sign, as he had left the country; but he did not dissent.

The explanation of these sweeping condemnations is very apparent. The Commissioners were possessed by an abstract belief in the inherent rightfulness of popularly elected bodies, and by an overpowering desire to get these established. As a great majority of the Municipal Corporations were under the rule of Close Bodies, every defect discovered in any one of these was regarded as characteristic of the system of "self-elected Municipal Councils, whose powers are subject to no popular control, and whose acts and proceedings, being secret, are unchecked by the influence of public opinion."[2] This confident inference as to the cause of such evils as had been discovered was unsupported by the voluminous evidence which the individual Commissioners had collected, and was in flat contradiction of much of it. Take, for instance, the defects of the Corporate Magistracy which had been found in some of the smaller towns, and in one or two of the larger cities, such as Norwich. At a time when the most important Corporate function was that of providing an unpaid, untrained, and uncontrolled Magistracy, it was vital that this Magistracy should be recruited exclusively by persons able to give their time, not exposed to petty pecuniary temptation, and not wholly destitute of education. In those towns in which the Corporate exclusiveness was maintained entirely on the ground of social status a good and acceptable judiciary seems to have been provided. What produced an unsatisfactory judiciary was, as a matter of fact, the breaking down of the social exclusiveness, either by the lack of local residents of adequate status, or by the subordination of the social exclusiveness to the desire to co-opt persons warranted to vote for the right member of Parliament. Thus, the ten or twelve towns in which the judiciary was unsatisfactory will be found to be either tiny communities not providing any educated residents, or "Pocket Boroughs" in which all considerations gave way to political subserviency; or else populous towns in which the judiciary, far from being the product of a Close Body, was actually elected by popular constituencies.

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[1] Protest of Sir Francis Palgrave, one of the Commissioners for inquiring into Municipal Corporations, H. C. No. 135 of 1835, p. 4.

[2] First Report of Municipal Corporation Commission, 1835, p. 49.

Nor was it wholly an evil that in the administration of the Corporate estate and the management of the Market, the Port, or the Constables, the little builder, shopkeeper, and publican were usually excluded. We do not imagine that these petty traders had less honesty or less administrative ability than the bankers, attorneys, or retired officers who filled the Town Councils. But it so happens that the local tradesmen and licensed victuallers have, almost necessarily, personal interests in the giving of contracts, the granting of licences, and the conduct of the police which are not those of the public. Such Municipal Corporations as had admitted the local tradesmen to their ranks were, in 1835, certainly not the most distinguished for purity of administration.

The General Report of the Commission did not, however, confine itself to the revelation of what, to its authors, seemed the underlying cause of all the evils and deficiencies of the old Corporations. The Commissioners proceeded in no hesitating terms to suggest that if "the elective system" had prevailed the evils would not have occurred. The only instance which they cited in support of this proposition was that of the City of London, as to which, at the time, they had no report before them! They knew that its Aldermen and Common Councillors were elected; and they accordingly boldly referred to London as being free from all the evils which they ascribed to the self-elect bodies. It unfortunately happens that the Corporation of London, though orderly and in some of its domestic services efficient, supplied, in 1835, the grossest of all examples of feasting, perquisites to members, sinecure appointments flagrantly jobbed, extravagant expenditure on unutilitarian objects, and short-sighted penury in dealing with such great issues as the development of the Port. Besides London, the Commissioners had inquired into eight other Municipal Corporations in which the "elective principle" was genuinely applied. Of these, three tiny communities (Romney Marsh, Sandwich, and Southwold) were reported to be as pure and efficient as Penzance. The five more populous places exhibited in varying degrees practically all the evils ascribed by the Commissioners to the "self-elect" bodies. Maidstone and Carmarthen were, by the Commissioners' own showing, leading cases of electoral corruption, besides being unsatisfactory in other respects; whilst Berwick, Norwich, and Ipswich stand out, in the Commissioners' reports as in our own descriptions, as almost the worst administered, the most corrupt, and the most dissolute of all the Corporations dealt with. The truth is that the Commissioners' General Report was not the result of any analytic survey of their own evidence. It was not the outcome of any complete consideration of their individual reports, at least a third of which were at the time not even in type. The General Report was, in fact, as was subsequently revealed, hurriedly put together by the Chief Commissioner and the Secretary, in the winter of 1834-35, before they had considered the reports of the individual Commissioners or analysed the body of evidence in their possession. No opportunity was given for adequate discussion of the draft by the whole body of Commissioners; and when Sir Francis Palgrave protested, and offered to disprove the assertions by analysing the evidence, his offer was peremptorily declined. Both as a summary of the facts and as an analysis of causes, this General Report is inaccurate and misleading. The historical student must dismiss it as a bad case of a violent political pamphlet being, to serve Party ends, issued as a judicial report.[1]

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[1] The General Report was signed by sixteen out of the eighteen surviving Commissioners, one having died, one having left the country, and two, Sir Francis Palgrave and T. Jefferson Hogg, vehemently protesting against both its statement of facts and its conclusions. The preparation of the draft was begun in October 1834, by the Chief Commissioner, John Blackburne (who had himself visited one Corporation only, namely Lancaster), before any of the evidence

(*d*) *An Alternative Judgment*

It is worth while considering what would have been the verdict upon the Municipal Corporations of an impartial judge, fortified by the enormous mass of evidence collected by the Commissioners, and equipped with the historical knowledge of to-day as to the relationship of the Corporations to other units of English Local Government, and as to their origin and development. Passing over the testimony which such a judge would have borne to the personal service rendered by thousands of members of the Municipal Corporations, and to its generally gratuitous and sometimes entirely disinterested character, he would, we think, have signalised, besides minor shortcomings, in the very basis of the Corporations, two capital defects, to one or other of which he would have ascribed the greater part of their administrative failures. In all the Municipal Corporations, though in varying degrees in particular cases, there was a glaring maladjustment of jurisdictions and areas. And in all the Municipal Corporations without exception, the conception of Corporate membership had become fundamentally out of harmony with the necessities of the time.

It has become a commonplace of Political Science that, quite apart from the general distribution of powers between

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collected by the individual Commissioners had been circulated, and before many of their reports on the several towns had even been sent in. It appears from the correspondence of Parkes and Place that the whole thing was put together by Parkes in conjunction with Blackburne, who was as extreme a Radical as Parkes himself, and apparently no less keen a partisan. The draft report was first circulated on 25th of February 1835; it was considered only at three meetings of the Commissioners, in spite of the fact that its accuracy, even as to statements of fact, was formally challenged; and by the 24th of March 1835 it had already been presented to the Government, though it was not until 30th March 1835 that it was formally signed. See the *Protest of Sir Francis Palgrave* (H. C. No. 135 of 1835), an able and instructive document by the most distinguished of the Commissioners; and the *Protest by Mr. Hogg* (H. C. No. 434 of 1835), a pedantic criticism by the future biographer of Shelley. Hogg had utterly failed to discharge his duties as a Commissioner; but his protest throws some interesting sidelights. Further correspondence between himself and the Home Office as to his services was laid before Parliament in 1835 (No. 386 of 1835) and 1837 (No. 203 of 1837). Not until 1838 were any reports got out of him (H. C. No. 686 of 1838); and it was his neglect which was responsible for the absence of reports on seven important Corporations. No digest of the evidence was prepared until 1838, or printed until 1839, when the admirable index volume by Joseph Fletcher was published (H. C. No. 402 of 1839).

central and local authorities, there is for each function or service one unit of area of greatest efficiency, and that such units of area for different functions or services seldom exactly coincide. Neither the origin nor the history of the Municipal Corporations was such as to make it likely that the particular areas over which their multiplicity of functions and jurisdictions extended would be consistent with the efficiency of all, or even of most of them. The most notorious of these maladjustments of functions and areas—the privilege enjoyed by mere remnants of decayed towns, or obscure mouldering villages, of electing Members of Parliament—had, in 1832, just been cleared away. But for other purposes the areas and boundaries of the ancient Boroughs were hardly more suitable. As districts for separate and autonomous police forces, the ancient Borough boundaries, frequently including only a few thousands of people, and often excluding half the populous suburbs, were about as badly drawn as it was possible to conceive. It was impossible to organise an efficient police force in such tiny units as most of the Boroughs; whilst no administration of justice could be otherwise than defective when the thief or vagrant had only to escape beyond the middle arch (marked with a pile of sods) of the Berwick Bridge, or to "get behind the Bear" that marked on the bridge at Bath the limits of the Borough jurisdiction, to be in practice safe from pursuit.[1] The Boroughs equally served as convenient Alsatias to fugitives from Parish and County justice. Another kind of maladjustment of jurisdiction and area is seen in the management and taxation of the Market, which so many Municipal Corporations enjoyed. In so far as the Market serves principally the inhabitants of the Borough, it is perhaps their representatives who can most safely be entrusted with the control over its administration. But when, as in many Boroughs, the ancient Market was the buying centre for a wide radius—when numerous villages and hamlets were dependent on it—and especially when (as in the case of the City of London) the Municipal Corporation concerned with one square mile maintained a monopoly of the Market accommodation, upon which depended a population ten times as great as that to which it was responsible, the clash of interests and divergence of policy militated gravely against national well-being.

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[1] Report of House of Commons Committee on Municipal Corporations, 1833, p. 1.

The management of ports and harbours presents analogous difficulties of even graver character. The actual users of a port are the shipowners and merchants, represented by the local firms and agencies, whilst the convenience and the pecuniary interests involved are those of the consumers of imported goods all over the kingdom, and the producers, equally widely distributed, of commodities for export. The Municipal Corporation, which owned and taxed the harbour, represented none of these interests, and, by reason of its legal right to devote the proceeds of its petty customs duties for its own advantage, was even pecuniarily biassed against them all. This divergence of interests would not have been remedied by substituting the elected representatives of the inhabitants of the port town for a select body of them. Thus, in the leading case of Liverpool, the merchants were right in feeling that the exercise of the power of taxing all imports involved a conflict of interests. But the conflict was not, as they imagined, between the self-elect Corporation and the ratepayers. It was between the town of Liverpool, however represented, and the consumers of the imported goods. The elected Town Council of Liverpool after 1835, no less than its co-opted predecessor, tended naturally to consider the port as a revenue-producing service for the benefit of the town. The inland districts served by the port had equally to complain, in the one case as in the other, of the neglect of their interests. Moreover, the utmost possible development of a harbour demands a certain large-mindedness, and long views, and a familiarity with the currents of trade and contemporary changes in methods of transit. If the Municipal Corporation Commissioners had not been blinded by their passionate prejudice against co-option, they could hardly have failed to recognise that the Navigation Committee of the Common Council of London, composed of and elected by retail shopkeepers, had, as a matter of fact, proved an indescribably worse manager of the Thames than the little knot of bankers and merchants of the co-opted Liverpool Town Council had proved of the Mersey. We now know that both alternatives were imperfect. The experience of the next generation was to prove, to the merchants of Liverpool as to other people, that no public authority, other than the National Government, ought to have the power of levying, by customs duties, any larger revenue than is needed and expended for the actual maintenance of the port in the highest state of efficiency. The reform that was needed in the management of the Liverpool dock revenues was not the substitution, for the self-elect Corporation, of the representatives of the Liverpool ratepayers, but the establishment of a body so far representative of the consumers as to have no interest other than that of the greatest possible efficiency of the port and the lowest possible tariff of dues. This has been found in the creation of a Dock Trust, elected by the payers of dock dues.

With regard to the Municipal gaols, it was primarily in extent that the area of administration was defective. No decent accommodation and service can be provided for half a dozen criminals, except at a prohibitive expense. And now that we realise the highly infectious character of criminality, and the necessary diversity in its treatment, it is plain that the minute classification indispensable for prison efficiency cannot be maintained except under a system of large administrative areas. But four-fifths of the Municipal Corporations had to deal with small towns or villages, less than 11,000 in population, and having only a few prisoners under detention at any one time. In all these cases the method of selecting the governing body of the prison was almost irrelevant. The indiscriminate mixing up of debtors and felons, men and women, adults and children, hardened sinners and unconvicted defendants, in badly provided and insanitary buildings, was, with a small area, practically inevitable, whether the governing body was elected or co-opted.[1] Moreover, even if the areas had been made satisfactory, the formation of an efficient and economical prison authority would not have been found a simple matter. Here, it is evident, the users of the service—the inmates of the gaol—cannot be allowed to dictate the conditions of its administration. A co-opted body of the wealthier residents, such as was virtually provided by the County Justices, and by such Municipal Corporations as Liverpool and Leeds, had, at any rate, the advantage of not being unduly influenced by a desire to do the thing on the cheap, and, therefore, of not being restrained by considerations of expense from putting in practice as humane and as wise a system as the current public opinion demanded. On the other hand, the erection of costly new prison buildings or the appointment of a superior staff by such an unrepresentative body, with the result of greatly increasing the gaol rate, could not fail to be resented as wasteful extravagance by the ratepayers, and might be expected to lead to constant demands in favour of the service being put under the ratepayers' control. The Radicals of 1833 would have solved the problem very simply by placing the prisons, like the markets and ports, entirely in the hands of Town Councils elected by all the heads of households. Experience has, however, shown that the ratepayers' representatives cannot be trusted, with regard to such institutions as workhouses, asylums, and gaols, to take care that the inmates are not overcrowded, and that the buildings are in a sanitary state. Still more difficult has it proved to induce such bodies voluntarily to incur the great expense involved in improvements of classification and treatment. At the end of the nineteenth century we have either to take such services entirely out of the hands of the local ratepayers, and administer them by a centralised bureaucracy, a system which has its own peculiar disadvantages; or else, whilst giving their administration to the elected local authority of each area of appropriate size, to endow departments of the central government with extensive powers of inspection and control, in order to enforce, on behalf of every inmate, at least a "National Minimum" of the conditions of health, comfort, and the treatment appropriate to his condition. We need

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[1] The parsimony of the Municipal Corporations was remarkable. The County Justices spent no less than three millions sterling, between 1800 and 1830, in building new gaols, large outlays being incurred by Kent, Lancashire, Middlesex, Cheshire, Durham, Gloucestershire, Devon, and Surrey, each of which spent over £100,000. During the same period all the Municipal Corporations put together did not spend more than £600,000 on gaols, and, if we omit the City of London, Bristol, Liverpool, York, Hull, Newcastle, and Nottingham, the other 192 Boroughs did not spend on this service, during the thirty years, an average of forty pounds a year each (An Account of the Total Expenses incurred in building, repairing, fitting, and furnishing the several gaols and

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houses of correction in England and Wales since the year 1800 (H. C. No. 316 of 1831)).

not here decide between these alternatives, neither of which was practically available for the Municipal prisons of 1800-1835.

Finally, we come to what was really the principal function performed by the Municipal Corporation of 1833, that of providing a succession of unpaid Justices of the Peace, who rendered to the town the often onerous service of a Magistracy. In respect of this function, what was wrong was, not merely the smallness of the area that was expected to supply the Justices—though how could it be supposed that the farmers and labourers of Malmesbury or the shopkeepers and publicans of Tiverton could supply a competent Magistracy?—but also the very connection of the Magistracy with any local area. The administration of criminal justice, in its humblest as in its most pretentious grades, is emphatically a service of National interest, in which it is desirable that the interests and prejudices, the prepossessions and antipathies of the population of the particular locality should have the least possible play. So forcibly was this felt that the Judges of Assize were for centuries forbidden to go on circuit to the Counties to which they belonged. Whatever grounds there are for a multiplicity of local tribunals—however convenient it is to have a Magistrate everywhere close at hand—it must still be counted as a capital drawback of anything but a stipendiary Magistracy appointed from the Capital, that it necessarily leaves the administration of justice to local dignitaries, who cannot fail to be affected by those very local feelings, the influence of which it is desirable to exclude. The Corporate Justices in nearly all the Corporations were so far protected from these local influences in that they were appointed independently of the volition of the people whom they had to judge. It would only have worsened matters to have made, as was in 1833 popularly proposed, the Borough Magistrates elected by the people at large.

We may, however, take the analysis a step further. The very claim of the Boroughs to what they called their freedom—the vehement contention of the Corporations that their autonomy should be respected—was one which the modern statesman must view with suspicion. All the Franchises and Liberties of the Corporation were, as we have seen, in the nature of exemptions from the general course of National administration—the exclusion by the Burgesses of the King's officers, the immunity from supervision, audit, and control by any external authority. The Corporation had, for a price, purchased the Borough from the King, and bought itself free, so that it might do what it liked with its own. In an age of arbitrary taxation and the personal caprice of autocratic monarchs—in an age, too, when National administration was impossible, and National legislation only rudimentary—Municipal independence may have created oases of progress. In the reign of *Laisser Faire* which set in with the Revolution, and still more with the administration of Sir Robert Walpole, and lasted for over a century with scarcely a check, the claim of the Municipal Boroughs to an almost complete autonomy,[1] though long since out of date, continued to be accepted without demur, and became by that acceptance even strengthened and fortified. Meanwhile, the administration of the Parishes, alike in Poor Relief, road administration, and even church maintenance, had never been allowed to escape from Parliamentary regulation and the control of the Justices and the Archdeacon. Even the administration of the County was, to some extent, looked after by Parliament, the Privy Council, and the Assize Judges. The Municipal Corporations, strong in their Charters, alone assumed an autonomy which took no account of any interests wider than those of the Boroughs themselves. We know now that even in the functions of the most local interest and concern, other localities, and the nation at large, have also issues at stake. We are members one of another. We cannot afford to let a town have what police it wishes, what trade regulations it prefers, what administration of justice it chooses to provide, what highways, markets, or sanitation it elects, or what degree of physical health, of education, and of social order it happens to appreciate. The very conception of the

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[1] "The shameless misuse by the last two Stuarts of the prerogatival processes, whereby the mediæval Boroughs had been sometimes capriciously vexed, and sometimes wholesomely controlled, had this among its bad effects, that after a Glorious Revolution the Corporations stood free from national supervision. No one was going to seize liberties or cancel Charters any more; the ancient Royal rights were dead, and nobody was to revive them" (*Township and Borough*, by F. W. Maitland, 1898, p. 95).

Municipal Corporation was defective in not providing for it (as for the Parish and County) a place in a National Hierarchy of authorities, in which, by external audit, inspection, and control, provision might have been made, not only for the protection of individuals and minorities from injustice and tyranny, but also for the enforcement, in every department of social life, of that National Minimum of efficiency without which the well-being of the whole will be impaired.

The second fundamental defect in the Municipal Corporation lay in the character of its membership. We do not mean by this the fact, to which the Municipal Corporation Commissioners attributed so much, that its government had usually become vested in a Close Body, to the exclusion of the rest of the members, though in this criticism there was, of course, considerable force. It does not suffice that the government of a country should be honest and skilful: if it does not carry with it in the popular mind the consciousness of consent, it will inevitably find itself restricted in its operations, lacking in stability, and thus falling far short of efficiency. This all-important consideration is especially true of men of Anglo-Saxon race or tradition, nurtured on a conception of a natural right to political freedom. In the nineteenth century the consciousness of consent insisted on expression by means of voting on a popular franchise. If, in 1833, there was to be any extension of the sphere of government action, whether in regulation, taxation, or collective enterprise, the Radicals were warranted in their insistence that it could only be based on Democratically elected representative authorities. They were right in their criticism that the small Close Bodies of the Municipal Corporations could never acquire or retain the indispensable basis of popular consciousness of consent. They did not see with equal clearness that matters were no better in those Corporations in which there was no Close Body, and in which (as at Berwick-on-Tweed) the governing power was in the hands of the whole of a relatively numerous Gild of Freemen. Where the Freemen had continued relatively most numerous (as at Coventry), the intense feeling of exclusion among those "of equal station" who found themselves outside the circle made the lack of the consciousness of consent at least as apparent as with such a Close Body as the Mayor and

Aldermen of Penzance or Leeds. Even in the City of London, where most of the actually resident householders were Freemen, and where these elected the Common Council, the fact that the great majority of the bankers and merchants had no votes, made them all the more resent the misrepresentation of their political opinions and the mismanagement of the port by the City Corporation of 1833.

But what the Municipal Corporation Commissioners failed to realise was that there was a more fundamental error in the membership of the Corporations than that involved in the usurpation of authority by a Close Body—one common, in fact, to such of them as we have called Municipal Democracies, as well as to such of them as were Close Corporations. The Municipal Corporations that we have described, like the Craft Gilds or Trade Companies, and equally with all the forms of the Manorial Borough and the Manor itself, were all of them essentially Associations of Producers, basing their membership inherently on their common interests, either as holders and occupiers of land, or as followers of handicrafts or trades. From beginning to end of our analysis of these Manorial and Municipal exemptions from the common rule of the County, we see their whole activities centring round the interests of their members as producers. It is this which inspired the "customs" of the Manor and dictated the elaborate regulation of the commonfield agriculture which occupied the time of the Lord's Court. We see the same spirit in the clinging of the Freemen of Alnwick or Berwick, Coventry or Newcastle to their Chartered monopoly of the Town Moor, the Lammas Lands, or the "Meadows and Stints." It is from the same conception of an association with a membership based on common interests as producers that spring the various forms of trade monopoly that characterises alike the Craft Gild and Trade Company, the Manorial Borough and the Municipal Corporation, from the tax exacted from the stranger opening a shop, and the prohibition of the letting of boats, houses, crofts, or "stints" to "foreigners," up to the restriction of all trades to Freemen, or to the sons or apprentices of Freemen being members of a particular Company. We see the same conception in the habitual secrecy of the proceedings of the Municipal Corporation as of the Gild; the same notion of its transactions being those of a voluntary and private association; the same abhorrence of any external supervision or control; the same inability to recognise any reason for an outside audit. We see the same idea in the exemption of Freemen from the tolls and dues levied by the Corporation, which was simply themselves, or the mulcting of non-Freemen in higher charges. A Corporation, regarded merely as a group of Freemen, inevitably considers its Market or its Port, like its commons or its charitable endowments, as belonging to its members, and to its members alone. And this Association of Producers had retained, to the last, certain characteristics of an essentially voluntary society or fellowship. Alike in the Municipal Corporation and in the Trade Company, a new member had to be formally admitted by the consent of the existing Corporate body, just as a new tenant of the Manor had to be formally admitted by the Homage at the Lord's Court. For the most part, such consent was discretional, and could be arbitrarily withheld. Any member could be, for sufficient reason and with due formalities, expelled from the Corporation at its discretion. The Municipal Corporation, like the Gild, was thus, in fact, not only an Association of Producers, but also an association voluntarily entered into and voluntarily enlarged, and therefore inherently falling short of universality. The administration of the modern State, whether national or local, must, we now believe, be based upon a conception of universal membership, leaving out of consideration no human being whatsoever. It must therefore necessarily take the form of a compulsory association—based on nothing narrower than existence—technically, that is to say, it is of the genus of Associations of Consumers; for all citizens are users or "consumers" of air and water, ground space, public safety, and good order.

It was, accordingly, not to the usurpation of the governing power by Close Bodies that the peculiar characteristics of membership of the Municipal Corporations were to be attributed. As a matter of fact, the development of a Close Body tended rather to diminish these characteristics. We see the Close Bodies everywhere letting drop the Freemen's monopoly of trading, in which their members had ceased to be interested; we see them resenting and curtailing the Freemen's exemption from Municipal taxation, which diminished the Corporate revenues; we see the claim of sons and apprentices to take up their Freedom stiffening into a legally enforceable right as against the Close Bodies, which ceased to be able to exclude those who were qualified to become Freemen; we see the Law Courts protecting the members of Corporations from entirely arbitrary disfranchisement by the governing Councils; we watch Close Bodies pursuing a policy of improvement of the commons which, at the cost of individual Freemen's rights, would augment the value of the Corporate estate; we see them willing to develop the accommodation and usefulness of the Market; we see them taking long views of the requirements of the Port; and, against the interests of individual Freemen, and even of the present generation, administering in the larger interests of an undying Corporation. No candid student can doubt that, as between the Close Corporations on the one hand, and what we have called the Municipal Democracies on the other, it was especially in the management of their Corporate property that the Close Bodies have the advantage. Whatever instances may be cited here and there of corruptly beneficial leases or improvident alienations, we do not find the Close Bodies deliberately pursuing a course of sharing the capital amongst themselves, as the Gild of Freemen of Berwick-on-Tweed did for a whole generation. Indeed, it is not too much to say that, whatever may have been the *dicta* of the lawyers, the members of the Close Bodies, whether of Municipal Corporations or Trade Companies, never regarded the Corporate property as theirs at all, in the sense of being morally entitled to devote it to their personal ends. It was, they felt, both legally and morally their own, as against any other claimant; it was both legally and morally at their disposal according to their unfettered discretion; but both their avowed acts and their occasional shifts and evasions showed that they recognised among themselves that they held it on trust for such objects as they and their successors might from time to time determine. It was, in fact, the public-spirited attitude on the part of the majority of the Close Bodies during the whole period, and especially the large-mindedness of such Corporations as Liverpool, that made it possible for the Municipal Corporation Commissioners, and after them the Ministry and Parliament, to take up the really remarkable position that the landed estates, markets, rights, and profitable jurisdictions of the particular 178 Corporations that were included in the Act—property which they held on as good a legal title as any in the Kingdom, which they had in many cases purchased for hard cash, or accumulated out of their own savings—should be forcibly taken from its owners, and vested in new bodies, for the advantage of entirely different sets of beneficiaries, namely, not the members of the Corporate Bodies or the Freemen, but the inhabitants at large. The point is one of so much importance as explaining the conflict between the House of Lords and the House of Commons, and as producing what we have termed the combination of ruthlessness and incompleteness that marked the Reformers' action, that it deserves closer examination.

There are two opposite views of the origin and limitations of private property, either of which might logically have been held by the statesmen confronted in 1835 by the problem of the Municipal Corporations. On the view of the feudal lawyer of the Middle Ages, estates in land, franchises and jurisdictions are derived solely from Royal grant, which the King might at any time for sufficient reasons resume or revise or regrant as he thought fit. This, as mere matter of history, we know to have happened to Municipal Corporations, as to other grantees, at all times. The Municipal Corporation stood in this respect in no different position from the Manorial Borough and the Lord and Homage of a Manor. All alike held their estates and jurisdictions subject to the liability to have them resumed, varied, or regranted as the changing circumstances might require—it being assumed that the King, in his clemency, would have such regard to the needs and expectations of his grantees as his means would permit. Such a conception of private property did not, however, outlive the Commonwealth. The attempt of the last two Stuart Kings arbitrarily to revise Charters was one of the causes of the dismissal of the dynasty. The attempts at "resumption" of ancient Royal grants under William and Mary had to be abandoned. In the eighteenth century there came to be recognised the absolute right of every legal owner of property to retain it against all comers; or, if Parliament specifically authorised his compulsory expropriation, to receive in exchange at least an entirely equivalent compensation. On this conception, too, the Municipal Corporations, like the Manorial Boroughs and the Trade Companies, had as sacred and as undoubted a right to retain the property legally vested in them as the Lord of a Manor or the purchaser of a freehold. The Corporation of Bristol had as good a title to its houses and quays and dues as the Society of Merchant Venturers had; the Gild of Freemen of Berwick-on-Tweed had a title to their fields and jurisdictions every bit as valid as that of the Bailiff, Chamberlains, and Burgesses of Alnwick, or that of the Lord and Homage of the Manor of Great Tew. As a matter of fact the Municipal Corporation (like that of Berwick-on-Tweed) had often purchased for hard cash a Manor which it found it convenient to administer, exactly as an individual landowner buys a property to round off his estate. The Corporation of Leicester was therefore fully warranted in its pregnant warning to the House of Lords that it held its property upon a title identical with that upon which their Lordships individually held their own estates. This was the view from which the lawyers, speaking by Lord Ellenborough and Lord Eldon, had never varied.[1]

The position taken by the average enlightened citizen, as by the Whig Ministry and the House of Commons, was an intermediate one, corresponding neither with that of the feudal lawyer nor with that of his eighteenth-century successor. It was admitted that the "Mayor, Aldermen, and Councillors" or the "Bailiffs and Burgesses" of a Municipal Corporation had a good legal title to their property, and a valid moral claim to have respected their reasonable expectation of whatever individual enjoyment was thereby involved. But there was in the Municipal Corporation, over and above the revenues and other advantages that the members of the Corporate Body individually enjoyed, an unappropriated surplus which even the members themselves did not think themselves morally entitled to devote to their individual use; which might be said to be, even in law, rightly destined for some Corporate end; and of which, as a matter of fact, the whole community of the Borough had, in one way or another, enjoyed the advantage. Besides the many definite duties which the Municipal Corporation had assumed, for the benefit and advantage, not of the Freemen alone, but of the Borough as a whole—such as the administration of justice, the management of the Market, the administration of the Port, the making of By-laws, and the suppression of nuisances—it was indisputable that it had, in the past, intervened in any emergency, it had met new requirements, it had acted generally, and had been recognised, as the Corporate representative of the Borough as a whole. The Municipal Corporation, like the Gild, might claim to be a mere voluntarily recruited Association of Producers, the members of which were collectively entitled to the ownership and enjoyment of the property which they had accumulated and acquired. But it could not be denied that the Borough community, for which the Corporation had assumed duties—though it could claim no legal partnership, and had enjoyed no share in the management—had for centuries participated in the benefits which the Corporation privilege of perpetual succession, the Corporation estates and profitable jurisdictions, the Corporation tolls and dues did as a matter of fact provide. Thus, the very public spirit shown, and the public service rendered, by the Municipal Corporations became their ruin. There was, in fact, after the individual members of the Corporation had taken what had been customarily their due, an unappropriated surplus which the public had, as a matter of fact, usually enjoyed in common. To the ordinary man there seemed no injustice to the "Bailiffs and Burgesses," if, whilst according to the individual Corporators—not "compensation," but due consideration in respect of what they had been in the habit of individually enjoying—the prescriptive right of the public to the unappropriated surplus were legally recognised; and if the property were, with the same due consideration of individuals, vested in new trustees upon revised and more definite trusts for the advantage of the Borough as a whole.

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[1] See, for Lord Lyndhurst's statement of it, Hansard, 3rd August 1835 (vol. xxx. p. 1386).

We need not be surprised that, of these three conceptions of the property rights of Municipal Corporations, the more irresponsible Radicals chose to take the first, or feudal lawyer's view, substituting Parliament for the King; that the recalcitrant Corporations, the lawyers, and the House of Lords generally took the second, or legal ownership view; whilst Lord Melbourne (and as we shall see, also Sir Robert Peel[1]), with the great majority of the House of Commons were, even to ruthlessness, contented with the rough and ready "common-sense" equity of the third view.[2] But what is surprising is that, in taking this view, they should have confined themselves to the particular 178 Corporate owners that were included in the schedule of the Municipal Corporations Act. Exactly the same arguments for securing the prescriptive public rights in the unappropriated surplus of Corporate property were applicable to the fifty other Municipal Corporations—including the wealthiest and most important of them all—that were left unreformed. Exactly the same reasons applied to the fifty or sixty Manorial Boroughs which were omitted from the schedule as to the twenty-eight that found place in it. Exactly the same grounds warranted the application of a similar measure to the seventy or eighty Trade Companies of the City of London, the Society of Merchant Venturers of Bristol, and the then-surviving Gilds and Companies of so many other towns. Finally, as the student will recognise, all the arguments upon which Lord Melbourne and Sir Robert Peel justified the protection of the prescriptive rights of the community at large in the unappropriated surplus of the Municipal Corporation, were equally applicable to that more primitive complex of public jurisdictions and individual rights, the more rudimentary Association of Producers out of which the Municipal Corporation had developed, namely, the Manor. In 1835, far more than in 1907, there were still in England thousands of Manors in which the actually enjoyed advantages of Lord and Homagers left unappropriated a considerable surplus which had, in fact, for centuries been enjoyed, in the public utilisation of common and waste and woodlands, by the community at large. Unfortunately, as it seems to us, neither the Municipal Corporation Commissioners nor the statesmen of the time at all appreciated the kinship of the Municipal Corporation to the Manor; they did not realise the applicability of their principles to the Trade Companies; they ignored two-thirds of the Manorial Boroughs and indefinitely postponed dealing with even a quarter of the Municipal Corporations themselves; finally, they omitted the City of London. If equity demands equality of treatment, the arbitrary selection of 178 Corporate Bodies out of so many, for an expropriation which they had no more merited than the rest, must have seemed to them as deplorable in respect of its ruthlessness as to the political student of to-day it does in respect of its incompleteness.[1]

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[1] Hansard, 5th June 1835 (vol. xxviii. p. 559).

[2] This was the distinction rightly seized by a foreign observer of the controversy. "The Upper House has in the whole discussion kept in view and advocated private rights; the Lower House rather public rights. Both are necessarily united . . . and the middle course proposed by the Lower House was certainly the most correct" (*England in 1835*, by F. von Raumer, 1836, vol. iii. p. 310).

(*e*) *The Whig Bill*

Lord Melbourne had no time, even if he had had inclination, for anything more subtle than the report which Blackburne and Parkes had prepared for him; or for any more comprehensive reform than that of the principal towns. May was far advanced before his Cabinet could meet Parliament, and though the House of Commons of 1835 was not so avid of legislation as is that of to-day, something had to be found to put before it. The secession of Lord Stanley and Sir James Graham, the retirement of Lord Grey and Lord Althorp, and the unfriendly attitude of the King had thrown the Whigs for support on O'Connell and the more Radical section of the Party.[1] No other measure seemed to offer better chances of rallying the somewhat weakened forces than a Municipal Reform Bill, which was admittedly required;[2] for which the Radicals, inspired by Parkes and Place, were clamorously pressing, and which seemed, moreover, ready to his hand.[3] Within less than four weeks Lord John Russell brought in the measure upon which the Cabinet had agreed.[4]

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[1] It must be added that the Municipal Corporation Commissioners were right in pointing out the disadvantages of confusing, as the Corporate Bodies always did, the representative with the official. It was not conducive to efficiency that the Great Officers of the Corporations—the Recorder or Steward, the Chamberlain or Treasurer, the Sheriffs or Bailiffs, sometimes also the Town Clerk—should be members of the Governing Council, still less that they should necessarily be chosen from among its members. Akin to this was the mediæval conception of public office as a freehold possession, tenable for life, involving, not obedience to orders, but the performance only of definite customary duties; not remunerated by a salary, but entitling to the exaction of customary fees. The Municipal Corporations had lagged behind the County Justices, and even behind the Parish Vestries, in the evolution which separates entirely the Governing Council from the executive officials, and places these definitely in the position of salaried servants, amenable to orders and dismissible on due notice. We do not find ourselves in equal sympathy with the Radical denunciations of the Corporate pomp and ceremony, the stateliness and dignity, even the colour and magnificence, which—sadly diminished since the sixteenth century—many of the Municipal Corporations in 1835 still strove to maintain. With due adjustments of area and membership, a retention of this Corporate ceremony and magnificence would, we think, have had its distinct worth and utility, if not, as we should hope might have been the case, in upholding an ever-rising standard of taste, at any rate in bringing some variety and colour into the somewhat sombre life of modern city populations, and in asserting, amid the ever-strenuous pressure of private interests, the existence of the underlying Corporate unity without due and conscious recognition of which there can be no healthy community.

The Municipal Corporations Bill thus hurriedly adopted was a measure of sweeping simplicity. Instead of attempting a detailed separate reform of all the varied Borough constitutions and jurisdictions, it followed the lines of the Scotch Act in establishing in each Corporation a new Town Council, to exercise all the powers of the old Corporation, and to be formed on a simple and uniform basis of election, not by the ten-pound householders who formed the constituencies both for Parliament and for the Scotch Burgh Councils, but by all ratepaying householders of three years' standing. Councillors were to serve for three years, but, by their retirement in thirds, elections were to be annual. To the Council so constituted, without property or other qualification, was to be entrusted, not only all the functions and property of the Corporation, and the appointment of fifteen managers of the Corporation charities, but also the licensing of the public-houses. The pecuniary rights legally enjoyed by existing Freemen were to be preserved to them for life, but subject to this and to existing trusts, the Corporate property was to be applied by the new Councils for the common good of their respective Boroughs. All exclusive rights of trading were swept away,[1] and the creation of new Freemen was forbidden. All institutions, offices, jurisdictions, titles, privileges, and customs inconsistent with the Bill were to be abolished. Provision was made for the institution of a police force under a Watch Committee, and for lighting the streets, power being given to the Council to levy an unlimited Borough Rate. The measure was to apply to 183 Boroughs having two millions of inhabitants, £2,000,000 of Corporate debt, and £367,000 of Corporate income; and comprising all Corporations of real importance among those investigated by the Commission, with the great exception of the City of London. This, together with the smaller places, was expressly reserved for a supplementary Bill. Unincorporated towns could be brought under the Act by the issue to them of Charters. In one respect, however, Lord John Russell's Bill fell short of the current aspirations of the Radicals. It had been vigorously demanded and generally assumed that the Magistrates of the Boroughs should be elected by the people. There must be, argued Place and Parkes, salaried local Magistrates, always at their posts, "elected by the whole community by ballot . . . for a term of years or for life. . . . Their conduct must be subject to the observation of the assembly, which should have the power of suspension."[1] In the current number of the new Radical review, Roebuck demanded everywhere "Borough Judges" to be "selected by the Council, and the term of the Judge's office should neither be for life nor for any stated term; but on complaint made, he should at any time be removable by the authority which selected him."[2] It is clear from the Whig and Radical newspapers of the period, as well as from the speeches of members of Parliament, that the expectation of the creation of a popularly chosen local Judiciary was general.[3] But this proved too much for the Cabinet. As introduced by Lord John Russell, the Bill proposed that all Borough Courts of Quarter Sessions should be presided over by a Recorder to be appointed by the Crown. Moreover, the Borough Justices were to be appointed by the Crown, on the ordinary Commission of the Peace.[4] On the other hand, it was conceded that the Mayor, who was to be annually chosen by the popularly elected Council, should be *ex officio* during his term a Justice of the Peace; whilst it was expressly provided that the appointment of the other Borough Magistrates should be made upon the nomination of the Town Council itself, a provision which was explained and generally accepted as meaning that the Council would virtually determine the selection.

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[1] *Peel*, by J. R. Thursfield, 1891, p. 147.

[2] "The only plan by which it remained to the [Whig] Party to regain its lost popularity, and turn again the current of public opinion, was an extended and sweeping Municipal reform. . . . Men of all parties agree that some more popular system of election, a more efficient plan of police, and a more public as well as discreet management of Corporation funds, was highly to be desired" (*What should the Lords do with the Corporation Bill?* 1835, p. 27).

[3] Place had begun to despair. In an angry letter to Hume, dated 2nd May 1835, he declares that "not a line of this Bill has been penned, nor any plan been brought under consideration. About a week hence it will begin to be taken into consideration, and then come discussions, disputings, writings, printings, revising, and then the matter must be considered before another body. Then will commence the drawing of a Bill to go through the same processes, and by the end of July it may perchance be in committee in the House of Commons. That any Bill on this subject can pass the House of Commons this session is out of all reasonable expectation." His marginal note, dated 4th June 1835, explains that "it was found that not to present a Bill as early as could well be done was a risk Ministers could not take, so one was drawn by some of the Commissioners and the Secretary (Parkes), and it is to be presented to-morrow. It is as good as they who drew it dared to make it. It will be altered before presented" (*Life of Francis Place*, by Graham Wallas, 1898, p. 342).

[4] Hansard, 5th June 1835 (vol. xxviii. p. 542). The old House of Commons having been burnt down on the 16th October 1834, the session of 1835 was held in a temporary building. Abercromby, who had been Chairman of the Committee of 1833, would have been given high office and would have had charge of the Municipal Reform Bill if he had not been elected Speaker (*The Present Crisis*, by E. Lytton Bulwer, M.P., 1834, p. 9; Lord John Russell in Hansard, 5th June 1835, vol. xxviii. p. 542). As it was, "The conduct of this Bill . . . devolved almost entirely on Lord John. With occasional assistance from the Attorney-General, the whole burden of debate fell on his shoulders" (*Life of Lord John Russell*, by Sir Spencer Walpole, 1889, vol. i. p. 243).

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[1] This had been specifically recommended by Philip Cantillon (*The Analysis of Trade*, 1759), by the anonymous author of *A View of Real Grievances with Remedies* (1782), and by Samuel Crumpe (*An Essay on the Best Means of Providing Employment for the People*, 1793), as well as by Adam Smith (*Wealth of Nations*, 1776).

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[1] Prospectus of *Municipal Corporation Reformer*, 5th June 1835, in Add. MSS. 35,150, p. 46.

[2] ' Municipal Corporation Reform," by J. A. R[oebuck], in *London Review*, vol. i. No. 1, 1835.

[3] "It is highly probable that . . . those who exercise magisterial duties . . . will in future be elected by the same constituency who elect the Members of Parliament" (*Leeds Mercury*, 2nd February 1833). The *Globe* (which did not agree with the proposal) thought that "the Scots Burgh Bill, which restored to the inhabitants the right of electing their Magistrates, was an indication of the direction of the reform which the Ministers intended to produce in England" (*Globe*, 15th April 1833). The Scotch plan was, in fact, adopted in Lord Brougham's Bill for England (Hansard, 22nd August 1833). A Bill was actually introduced in the House of Commons in August 1833 by Mr. James Kennedy, to enable the Parliamentary electors of every Borough to elect their own Magistrates (Hansard, 1st August 1833; *Bell's New Weekly Messenger*, 4th August 1833).

[4] This departure from "Radical principles" was immediately denounced as "engrafting the accursed principle of centralisation as to judiciary . . . powers on the constitution of the new Corporations, or in other words, to give the appointment and control of the Magistracy and police to the Crown . . . an unwarrantable deviation from the constitutional system of self-government. We hold that those who have acquired property and have sufficient leisure should act, without receiving pay, as Justices of the Peace among their neighbours, where a majority of their neighbours, who know their capabilities and character, concur in desiring them to accept the task. . . . Any man of common sense may now comprehend the criminal law" (*Weekly Dispatch*, 31st May 1835; see also 7th June 1835). "The public ought instantly to demand, what they had a right to expect, that Corporation Reform would give them a power, vested among the whole of the householders, to choose their own Magistrates for a limited term of years" (*ibid.* 5th July 1835). On the other hand, Radical Members of Parliament regarded the right of nomination of persons by the Town Council as virtually equivalent to popular choice. ("They will have the appointment of Magistrates"; "even the Magistrates would be appointed by them," are phrases from contemporary speeches; see *Manchester Times*, 7th November 1835).

It is a testimony of the general discredit into which the Municipal Corporations had fallen with all parties, that notwithstanding the drastic interference with Corporate property which it involved, this sweeping measure met with general acceptance in the House of Commons. For the first fortnight scarcely a protest was heard.[1] Sir Robert Peel at once admitted the need for reform, and promptly accepted—though observing that this involved a "new principle of law"—the justice of applying, to the public purposes of the several towns, the Corporate funds that were legally the property of the old Corporations.[2] He demurred only to the extremely Democratic character of the proposed new Councils. The House of

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[1] The Parliamentary struggle can be followed in detail only by a careful comparison of the House of Commons and House of Lords Journals from June to September 1835, as Hansard for that period (vols. xxviii.-xxx.) omits many minor clauses and amendments. See also Place MSS. (Add. MSS. 35,150, pp. 46-84), *Life of Francis Place*, by Graham Wallas, 1898, pp. 341-346; *Memoirs of Lord Melbourne*, by W. T. M'Cullagh Torrens, 1878, vol. ii.; *Sir Robert Peel*, edited by C. S. Parker, 1899; *Random Recollections of the House of Lords from 1830 to 1836* [by James Grant], 1836; *Random Recollections of the House of Commons, 1830-35* [by the same], 1836; *Life of Lord John Russell*, by Sir Spencer Walpole, 1889; *Leaves from the Diary of Henry Greville*, 1904, vol. iii. p. 290; *The Croker Papers*, edited by L. J. Jennings, 1885; *Life and Letters of the First Lord Durham*, by S. J. Reid, 1906.

[2] Hansard, 5th June 1835 (vol. xxviii. p. 559). Peel was prepared for some such Bill. He had referred favourably to Municipal Reform in his election address (the "Tamworth Manifesto") and in the King's Speech of 1835; and he had, whilst in office, not interfered with the Corporation Commission (*Peel*, by J. R. Thursfield, 1891, p. 139). Writing to the Duke of Wellington just after the accession of the new Ministry he said: "There can be no doubt that there has been a considerable abuse of Corporate funds, and that some effectual guarantee must be taken against such abuse. I daresay the proposition of the Government will be neither more nor less than to throw the control over Corporations, and of course, therefore, over Corporate funds, into the hands of £10 householders. If this be the proposition, and that the Corporate offices are to be held for a year only, or some other limited period, and that there is to be a popular election on each termination of the limited trust, I cannot conceive a measure, in the present state of society and public affairs, requiring for every part of it more anxious deliberation" (Peel to Wellington, 25th April 1835, in *Sir Robert Peel*, edited by C. S. Parker, 1899, vol. ii. p. 313).

Commons seems almost to have been hypnotised. The second reading was carried without a division.[1] In committee only a few amendments were moved, in favour of continuing[2] the Freemen's privileges to their sons and other successors, in favour of a property qualification for Councillors, against entrusting licensing to the new Councils, and so on. Not until the third reading was there any strong expression of protest against the principle of the Bill; and then the members who had been stirred up by such Corporations as Coventry and Bristol did not go to a division.[3] Seldom can so revolutionary a measure have passed so easily through the House of Commons.[4]

Very different was the reception of the Bill by the House of Lords, where Lord Lyndhurst, who had succeeded Lord Eldon as the Tory Lord Chancellor, was burning with eagerness to destroy the measure which his hated rival Brougham was supposed to have framed. By the 21st of July, when the

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[1] House of Commons Journals, 15th June 1835; Hansard, vol. xxviii. p. 819.

[2] Peel was deeply concerned at the proposed abolition of the Freemen's electoral rights. The Bill, he said, "assumes that the Irish pauper who has resided three years in Manchester and Liverpool, and can get an active Democrat to pay up for him his shilling rate, is well qualified for electoral trust; but the man who has served an apprenticeship for seven years; the Englishman by birth; the native of the town; he who has acquired no capital perhaps in money, but the more valuable capital of mechanical skill, experience in his handicraft, who has the testimonial of his master founded on seven years' personal knowledge—he is to be dispossessed of an ancient right, held from immemorial usage, confirmed and regulated and purified by the second Magna Charta, the Reform Bill. Contrast these two acts of power—the devolution of a new trust on the mere ratepayer, who may be a pauper, with the extinction of the ancient franchise held by a man who, in nine cases out of ten, gives to the State greater evidence of fixedness of residence and the qualifications of citizenship—and can any one doubt the animus, the bounty on Radicalism, the punishment of Conservative principles in humble life" (Peel to Croker, 2nd July 1835, in *The Croker Papers*, edited by L. J. Jennings, 1885, vol. ii. p. 278).

[3] House of Commons Journals, 20th July 1835; Hansard, vol. xxix. pp. 737-775.

[4] The absence of fight in the House of Commons surprised both Parkes and Place. We see the latter in May putting before Parkes a statement of "Principles upon which Municipal government ought to be founded"; and Parkes, in reply, authorising the conversion of this into a shilling weekly, to be edited by Place, and apparently distributed at the cost of Whig Party funds. Accordingly there appeared in June, first the prospectus, and then five weekly numbers of *The Municipal Corporation Reformer*, written by Place and Fletcher (who had been Assistant Secretary to the Commission). In the absence of a fight it fell flat, though 60,000 copies of the prospectus were issued; and it was discontinued before the real struggle began in the House of Lords (see *Pamphlets for the People*, by J. A. Roebuck, 1835, vol. i. No. 18; *Life of Francis Place*, by Graham Wallas, 1898, pp. 342-343).

Bill was brought up from the Commons, the frantic efforts of the threatened Corporations had made the House of Lords aware of the extent to which the legal rights of property were being attacked. Scores of Town Clerks and provincial Aldermen were in attendance, lobbying every Peer whom they could approach.[1] It was fully expected that the Bill would be summarily rejected, and Whigs and reformers of all shades of opinion began to discuss what course ought then to be adopted.[2] We can best describe the six weeks' struggle that ensued in the words of Lord Melbourne's biographer. "The Bill to reform manifold abuses in English Municipal Corporations met with little opposition in the Lower House, where Sir Robert Peel signified his cordial acquiescence in its principle and scope. Lyndhurst took a different course in the Lords, whom he prevailed on to hear counsel at the Bar. Sir Charles Wetherell spoke in defence of vested wrongs and of impunity in jobbing more than twelve hours;[3] and witnesses were called to prove that self-election by small minorities in Corporate towns was the better way of choosing Chief Magistrates and Aldermen. . . . The Premier [Lord Melbourne], aided by Holland and Lansdowne, defended the proposed enactment zealously, and with the powerful aid of the ex-Chancellor

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[1] Thus, the Plymouth Corporation, in Common Hall, voted on 25th June, "that as the Bill is passing through the House of Commons with the greatest possible expedition," one Alderman and the Deputy Town Clerk should proceed to London to press amendments (MS. Records, Corporation of Plymouth, 25th June 1835). Delegates from the reformers in the various Boroughs also met in London to resist the Corporation amendments (*Leeds Times*, 27th June 1835).

[2] On 2nd August Place writes in his diary: "Requested to attend a meeting at the house of Mr. Parkes. The Lords are expected to throw out the Corporation Bill." The result of the Conference was a hot letter from Place to Parkes, for the latter to show to Lord Melbourne, insisting that he should prorogue Parliament, hold a new session at once to pass the Bill unchanged, and dare the House of Lords to throw it out again (Add. MSS. 35,150, p. 73; *Life of Francis Place*, by Graham Wallas, 1898, p. 345). The Cabinet, however, knew that the Bill was greatly disliked by the King, who did not conceal his views. He wrote to Lord John Russell regretting that the Tory amendments met with so little attention (*Life of Lord John Russell*, by Sir Spencer Walpole, 1889, vol. i. pp. 243-245).

[3] More than thirty Corporations demanded to be heard, and it was evident that to concede such a privilege at that period of the session was to wreck the Bill. The cooler heads persuaded Lord Lyndhurst to be content with hearing two counsel only, on behalf of all the Corporations. The two selected were Sir Charles Wetherell, Recorder of Bristol (whose visit had been the occasion for the riot of 1831), and Mr. J. L. Knight, K.C. Their speeches were immediately published in pamphlet form. See also *Minutes of Evidence given before the House of Lords on the Corporation of Poole*, 1835.

[Brougham], made a good fight in debate, though often beaten in division. An amendment preserving the rights of the Freemen was carried by 130 to 37; the new qualification for Burgesses was raised by a like majority; Dissenters were declared ineligible to have any share in the disposal of ecclesiastical appointments; and the existing Aldermen and Town Clerks were to be continued for life. The Duke of Richmond daily attended the protracted sittings in committee, in which the details of the Bill were discussed, warmly supporting his late colleagues in concert with whom the Commission had been issued on whose report it was founded. No persuasion, however, could detain the bulk of the Liberal peers in town, and Lyndhurst exulted in carrying every alteration he proposed against insignificant minorities. Sir J. Campbell ventured once to expostulate with him on thus bringing the two Houses into such direct antagonism by striking out clauses which Peel himself had supported in the Commons. He replied, 'Peel! what is Peel to me? D—n Peel.' Loud was the outcry at these proceedings, and considerable the apprehension, if the Commons should refuse all compromise, of a deadlock in the progress of public business, and the renewal of fierce agitation throughout the country, certain to end in the further humiliation of the Peers. Counsels more truly Conservative prevailed; Lord John [Russell] summoned a meeting of his supporters at Downing Street, in which he explained what amendments the Government would yield for the sake of peace, and what they would refuse. Hume was for no compromise. O'Connell answered him with his usual tact and skill, recommending strongly that they should secure without delay the vast and solid privileges within their reach, and trust to time and better opportunity for winning the remainder."[1] Meanwhile, as we see from Place's voluminous manuscripts, this indefatigable agitator was using all his efforts to induce the Ministry to stiffen its knees and refuse all concessions to the Peers. We see Place perpetually writing to Parkes, to Hume and Blackburne, and to every other member whom he could influence, insisting, in every mood and tense, that all the Lords' amendments should be rejected, and a new campaign against the Upper House begun.[1]

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[1] *Memoirs of Lord Melbourne*, by W. T. M'Cullagh Torrens, 1878, vol. ii. pp. 152-154.

Peel, however, had been deeply offended at Lord Lyndhurst's impetuous and inconsiderate action, and flatly refused in any way to support it in the House of Commons. Twice he journeyed from his country retreat to London, expressly to warn the Peers privately that he would not ask the Tories in the House of Commons to support the destructive amendments that Lyndhurst was so triumphantly carrying.[2] Writing to Goulburn, his principal lieutenant in the House, he declared that "the amendments [of the House of Lords] go far beyond those discussed at my house. As I feel it necessary to maintain the principle which I mentioned there—namely, of adhering in substance to the course which I took in the House of Commons, I do not wish to discuss alterations in the Bill not in conformity with that course. Independently of this consideration, which is a personal one, and one of private feeling, I cannot say that I approve of some of the amendments. I cannot conceive that the Government will permit the right of property to be continued *in perpetuo* to the present Burgesses and their descendants. I do not believe the House of Commons will pass the Bill with that amendment in it. And as for myself, I expressed an opinion against the extension of the right to property beyond vested and inchoate interests. I firmly believe that in most cases the property was intended for the general good, and that there has been much usurpation. On what principle is a portion of the existing Council to be retained? If any, why not the whole? If the third has a life interest in office, why not the remainder? And in what mode can this selection be made? If this proposal had been made in the House of Commons I certainly could not have acquiesced in it. Lord Lyndhurst's speech was one directed against the principle—a speech as effectually excluding his own amendments as the existing enactments of the Bill."[3] When the Ministry had induced the House of

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[1] Add. MSS. 35,150, pp. 62, etc.; *Life of Francis Place*, by Graham Wallas, 1898, pp. 345-346.

[2] See his letter to Croker of 26th August 1835, in *The Croker Papers*, edited by L. J. Jennings, 1885, vol. ii. p. 280.

[3] Peel to Goulburn, August 1835, in *Sir Robert Peel*, edited by C. S. Parker, 1899, vol. ii. p. 314.

Commons to reject the principal of Lord Lyndhurst's amendments, Peel again wrote to Goulburn: "I never expected," he said, "that the Government would advise the House of Commons to accept the Corporation Bill as amended by the Lords. I had little doubt that Radical influence would so far predominate that, even if their inclination were to accept it, it would be overruled. The retention of a part of the old Governing Body was alone, I think, sufficient to ensure the rejection of the Bill, and I must say, of all proposals that I ever heard of, that of retaining one-fourth (or whatever the proportion is) of the old Governing Body is to me the most unaccountable. It seems open to every possible objection. It will do nothing to conciliate even the old Governing Body as a body, for it will make the exclusion of the excluded still more marked and more sorely felt. It shows distrust of the new Governing Body, but takes no security against their abuse of power. It will give a rallying cry to the constituent body, an incentive to them to make such a choice of new councillors as shall be certain to overpower the select few. In short, it will ensure a worse election and take nothing in return but a powerless minority fastened on the Council for life, by that very Act of Parliament which destroyed the principle of self-election, and yet preserved enough of it to irritate and not to control."[1] Peel's firmness, and the extremely conciliatory tone assumed by Lord Melbourne and Lord John Russell, eventually prevailed, to Lyndhurst's deep chagrin, with the Tory Peers. The Ministry conceded some important points, by which they incurred the severe censure of Place and the Radical press. They silently gave up the proposal to entrust the new Town Councils with liquor licensing. They conceded a complete, instead of an imperfect protection of the individual pecuniary interests of the Freemen and of all who had any inchoate rights to become Freemen. They adopted what was really an improvement in the way of enabling the Revising Barristers to divide into Wards, not only a few of the largest Boroughs, but most of those of any size. They got out of the difficulty presented by the Church patronage of the Councils by providing that all their advowsons should be sold; and out of that offered by the Corporate charities by arranging for these to be dealt with by new trustees under schemes of the Charity Commissioners. They admitted the reasonableness of requiring some qualification for the Councillors, as Brougham had himself proposed in 1828, but refused Lyndhurst's plan of publishing a list of eligible persons. They accepted the suggestion, which also had been made by Brougham, of a class of Aldermen, to be chosen by the Councils, whilst giving them only a six years' term, and refusing all demands for a continuance in office of any part of the old Corporations. With this list of concessions, the way was smoothed for agreement. To resume the narrative from which we have before quoted, "Sir Robert Peel, who had been for some days at Drayton, reappeared at the sitting of the House [of Commons], and gave his warm support to the course recommended by Ministers. This settled the question. The Duke advised above eighty of his friends at Apsley House to yield. By way of breaking their fall, Lyndhurst engaged to execute minor mutilations. These in their turn evoked a new storm of protests and denunciations, and on the 7th of September the Home Secretary called another meeting of his supporters to consider what should be done. Duncombe urged vehemently the policy of standing out, and undertook to furnish Lord John with a list of peers who would give in if Ministers were only firm. Warburton and O'Connell concurred in rejecting his guarantee, which no one ventured to endorse." One more concession had to be made if the Bill was not to be lost. The Ministry agreed to omit, from the clause relating to the Borough Justices, any reference to there being any nomination by the Town Councils; though adding that as long as they themselves held office, they should feel it their duty to obtain such nominations from the Councils. With this final victory, Lyndhurst gave way, and the two Houses were at last at one.[1]

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[1] Peel to Goulburn, 23rd August 1835, in *Sir Robert Peel*, vol. ii. p. 315.

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[1] *Memoirs of Lord Melbourne*, by W. T. M'Cullagh Torrens, 1878, vol. ii. p. 154. The oratorical duel between Brougham and Lyndhurst attracted great attention. "Brougham," wrote Parkes on the second reading debate, "has been like a tiger in a jungle, dealing out death wherever he fixed his prodigious claws. Last night he not only knocked Lyndhurst head over heels, but jumped on his carcase and stamped his life out of him" (Parkes to Lord Durham, 13th August 1835, in *Life and Letters of the First Earl of Durham*, by S. J. Reid, 1906, vol. ii. p. 73). "No one," wrote Brougham a generation later, "can better speak of his [Lyndhurst's] great resources and powers than I can. We alone fought the Municipal Bill in 1835. No one helped me for it, no one helped him against it; he beat me on some important points, but I succeeded

(*f*) *The Municipal Corporations Act*

The statute which emerged from the three months' Parliamentary struggle that we have described, mutilated and incomplete as it was, amounted to a Municipal Revolution.[1] In all the towns of any size or importance, with the one exception of the Metropolis—comprising, taken together, one-seventh of the entire population of England and Wales—the old Municipal Corporations were so completely transformed as to be virtually abolished.[2] The little oligarchies which had so

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upon the whole" (*Life and Times of Henry, Lord Brougham*, 1871, vol. iii. p. 436). "Brougham," concluded Torrens, "had striven indefatigably to aid in support of the Corporation Bill. On every point of law or usage, ancient principle or modern mal-practice, he was ready to encounter the specious objections of Lyndhurst. Their well-matched skill of fence amused Holland; but it fretted and at last bored the Premier, who cared little for the cleverness it displayed, and a great deal for the popular irritation it prolonged. When the struggle was over, neither the champions nor the onlookers measured the result as he did. The imprudence of the Peers in wantonly staking their reputation and power on an issue which within a month they were forced to abandon, filled the minds of many with the notion that the days of the hereditary Chamber were numbered. . . . Pamphlets, leading articles, after-dinner speeches, sarcastic letters and reviews of new editions of Roman history applicable to the time, contributed to produce a state of surmise, if not of real feeling, that the Government could not go on much longer without a reform of the Lords. . . . Melbourne took a very different view. What might have happened had the Lords been mad enough to persist in following the advice of Lyndhurst rather than that of Peel, and thrown out the Corporation Bill, nobody can tell" (*Memoirs of Lord Melbourne*, by W. T. M'Cullagh Torrens, 1878, vol. ii. p. 155-156). The modern student, whilst not underrating the patience and tact of Lord Melbourne, will, we think, attribute a large share of the credit for the reform to the statesmanlike wisdom of Sir Robert Peel (*Peel*, by J. R. Thursfield, 1891).

[1] Parkes wrote to Lord Durham that the Act "had produced neither more nor less than a political Revolution. . . . Municipal Reform was the steam-engine for the mill built by Parliamentary Reform" (*Life and Letters of the First Lord Durham*, by S. J. Reid, 1906, vol. ii. p. 72).

[2] Five Corporations originally in the Bill were omitted from the Act. Malmesbury and Sutton Coldfield were struck out by the Ministry, Alnwick, Llanelly, and Yeovil by the House of Lords. These remained therefore unreformed. On the third reading, moreover, Lord Lyndhurst succeeded in inserting a clause exempting the Corporation of Louth, so far as to continue it in existence, with all its property, for its original purpose of administering the Grammar School, whilst depriving it of all Municipal functions, and letting a Town Council be elected for these (sec. 136 of Municipal Corporations Act, 1835; House of Lords Journals, 28th August 1835; *Louth Old Corporation Records*, by R. W. Goulding, 1891, p. 18). At the instance of the Duke of Wellington clauses were inserted preserving the Liberty of the Cinque Ports, but not exempting from the Act its constituent Corporations (sec. 134 and 135).

long ruled over their fellow-citizens, as by inherent right, were suddenly and completely disestablished. In their stead, the whole body of adult male ratepayers of three years' standing, without distinction of politics, religion, or wealth, were, in the last week of December 1835,[1] freely electing responsible Town Councils, in whose hands, practically unrestrained, was placed the general government of the Boroughs, the organisation of their police forces and street lighting, the management of their Markets and Harbours, the control of their Corporate property, the authority to enact By-laws, and the power to levy a rate, unlimited in amount, on all the property occupiers. So sweeping a revolution was received in the Corporate Boroughs, by the dispossessed Aldermen and Councillors, with feelings of apprehension and chagrin, and by the general body of the people, especially those who favoured Whig or Radical opinions, with demonstrations of delight. At Liskeard, for instance, "the extravagant joy of the populace showed itself in many wild and half-frantic actions. The bull stone was dragged round the town in triumph. An old cannon, long used as a post, was pulled up, and being painted *grey* in honour of the Earl, was drawn through the streets, and then, though pronounced unsound, was fired repeatedly from the castle day after day. Men and boys with bands of music paraded the town in the evenings, halting and cheering at the houses of their favourite leaders."[2]

But although, at Liskeard and elsewhere, it was the great mass of the population who demonstrated, it was, we need hardly say, the Middle Class shopkeeper, millowner, or merchant whom the Act established in power, and by whom the victory over the old Tory oligarchies was most vividly realised. "There never was such a coup," exclaimed with delight the Whig gossip after the first Municipal elections, "as this Municipal Reform Bill has turned out to be. It marshals all the middle classes in all the towns of England in the ranks of Reform, aye and gives them monstrous power too. I consider it a much greater blow to Toryism than the Reform Bill itself."[1] The local Tories were correspondingly depressed. "Vital as it was, and extensive and radical as were the changes introduced, the Reform Act failed to come so closely home to the privileged class as did the Municipal Corporations Act, for while the former affected them chiefly as citizens of the State, the latter struck at once and completely at their local predominance, their social superiority, their personal authority, and their long-established power of dealing at pleasure with the rates and the property of towns governed either by self-elected bodies or by narrowly restricted franchises."[2] To Lord Melbourne it seemed that the great measure that he had half unwillingly, half cynically carried, meant, not so much the victory of the mob or the triumph of abstract Democracy, as the establishment, in uncontrollable power, of the aggressive religious Nonconformity that, during the nineteenth century, characterised the English *bourgeoisie.* "He had," says his biographer, "no apprehension for the stability of the House of Lords. The effect that seemed to him inevitable from the ten-pound parliamentary franchise and the household Municipal suffrage taken together, was sectarian, not political. 'You may not see all the consequences of this to-morrow; but you have given by law a permanent power in all the centres of industry and intelligence to the Dissenters which they never had before, and which they never could have had otherwise. They are the classes who will really gain by the change, not the mob or the theorists; every year their strength will be felt more and more at elections and their influence in legislation. Depend upon it, it is the Established Church, not the hereditary peerage, that has need to set its house in order.'"[3] Francis Place, as soon as he had got over his first disappointment, saw in it the germ of a universal measure applying to the rest of the country. He looked forward in 1836 to "the whole country" being eventually "municipalised"; to "an incorporation of the whole country, which will be the basis of a purely representative government."[1]

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[1] By the exertions of Parkes and the Revising Barristers, the work being begun whilst the Bill was still passing through Parliament, the Boroughs were divided into Wards and the Burgess Lists prepared in time for the Municipal Elections everywhere to take place at the end of December 1835, or within little more than three months after the Act became law.

[2] *History of the Borough of Liskeard*, by John Allen, 1856, p. 386.

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[1] *The Creevey Papers*, edited by Sir H. Maxwell, 1903, vol. ii. p. 308 (29th January 1836).

[2] *History of the Corporation of Birmingham*, by J. T. Bunce, vol. i., 1878, p. 347.

[3] *Memoirs of Lord Melbourne*, by W. T. M'Cullagh Torrens, 1878, vol. ii. p. 156.

To the historian of English Local Government in the Victorian era must be left the task of examining how far each and all of these confident predictions were borne out by results. We have here only to indicate one or two points of interest in the Act that the Whig Government had placed on the statute book.

We have already remarked on the incompleteness of the Act. We may add that the supplementary Bill promised for the City of London was never produced, and the consideration adumbrated for the problems presented by the hundred or more of small Municipal Corporations and Manorial Boroughs[2] was delayed for forty years; whilst the Manors themselves were—to the not inconsiderable loss of the public in the enjoyment of commons, wastes, and woodlands, since absorbed by individual proprietors—let slip quite out of sight. But even within its own sphere, the Municipal Corporations Act had grave omissions. Beyond the most rudimentary geographical revision of certain Borough boundaries, nothing was done to remedy what we have described as the most fundamental of all the defects of the old Municipal Corporations, the maladjustment between areas and functions. The problem of the proper unit of area for local government, and of how best to combine unity of administration with the varying boundaries postulated for efficiency by different functions—which constitute, it may perhaps be said, the essential features of the situation of to-day—had in 1835 scarcely risen into the consciousness even of political students.

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[1] Place to Parkes, 3rd January 1836; Add. MSS. 35,150, p. 102. In reply to Place's remonstrances at what he considered the Whig betrayal, Parkes jocularly replied: "We have got a stage on, and you, you old postillion, well know it; and none know better than you Whigs and Tories, and the manner of men the thieves are made of" (Parkes to Place, 1st September 1835, Add. MSS. 35,150, p. 75).

[2] By a carelessly drafted definition clause (sec. 142) the Act was made to apply only to the Boroughs mentioned in one or other of its schedules, so that the clauses relating to the abolition of all trade restrictions, criminal jurisdictions other than those reorganised, and jurisdictions in Admiralty, together with the clauses giving the County Justices and Coroners jurisdiction in all places in which a Court of Quarter Sessions was not provided for by the Act—though expressed in the most general terms—did not, in fact, take legal effect in any but the 178 towns named (see Report of Royal Commission of Municipal Corporations, 1880). But the moral effect of the Act accelerated elsewhere the progress of decay.

It was part of the intention of the Act that the Town Council should take over the powers nearly everywhere conferred by Local Acts on the bodies of Street Commissioners, etc., to be described in our next volume. The Act, however, did not do more than enable the statutory bodies to transfer their powers to the Town Councils (sec. 75). It was in vain that Place pointed out that this would be inoperative. Probably out of fear of opposition, the Ministry would not make the transfer compulsory. Hence the merging of the innumerable bodies of Street Commissioners was left to be accomplished piecemeal by separate Local Acts in the course of the ensuing half-century.

The haste with which Parkes and Blackburne had put the Bill together, together with the absence of detail criticism upon its routine clauses, made necessary, in the course of the next eight years, a whole series of amending statutes on points of technical detail. These were 6 and 7 William IV. c. 103 (Boundaries), 1836; c. 104 (Borough Fund), 1836; c. 105 (Administration of Justice), 1836; 7 William IV. and 1 Vic. c. 19 (Quarter Sessions), 1837; c. 78 (Elections, jurisdictions, accounts, etc.), 1837; c. 81 (Rates), 1837; 1 and 2 Vic. c. 31 (Sale of Advowsons), 1838; c. 35 (Stamp Duty), 1838; 2 and 3 Vic. c. 27 (Borough Courts), 1839; c. 28 (Watch Rates), 1839; 3 and 4 Vic. c. 28 (Watch Rates), 1840; 4 and 5 Vic. c. 48 (Poor Rates), 1841; 5 and 6 Vic. c. 98 (Borough prisons), 1842; c. 104 (General), 1842; c. 111 (New Charters), 1842; 6 and 7 Vic. c. 89 (General), 1843.

Less excusable, as it seems to us, was the omission to place the new Municipalities in their due position in the governmental hierarchy. The Reformers of 1835, as we have seen, only dimly realised the nature of the fundamental defect in the conception of membership of the old Corporations. They recognised the invidious character of the shrinking into Close Bodies, the trade restrictions and the exclusive privileges that flowed, as we have seen, from the very nature of the Association of Producers. They adopted, as the basis of their reform, the diametrically opposite conception of universality of membership, corresponding to that of the Association of Consumers—for every inhabitant of a town is necessarily a "consumer" of the pure air and water, the decency and order, the security and the means of civilised life that it is the business of Municipal government to ensure. But the Reformers of 1835 retained from the old Municipal Corporations their inveterate idea—so characteristic of the Association of Producers in all its forms—of "doing what they liked with their own." In the case of the Parish, in respect of its then principal function of Poor Relief, the same statesmen had recognised, only the year before, the defects of a too complete local autonomy; and they had provided, in the Poor Law Amendment Act, for the supervision and control of the local authorities, even in the largest towns, by a central department representing the community as a whole. The interests of the nation—even the individual interests of its travelling citizens—were plainly as much concerned with the maintenance, in every Municipal Borough, of at least a decent minimum standard of sanitation and security, as they were in the maintenance in every Parish of a prescribed economic standard of efficiency in Poor Relief. Yet it does not seem to have occurred to the framers or supporters of the Municipal Corporations Act of 1835 to make the slightest beginning of any supervision, inspection, audit, or control of the Municipal Corporations by a central authority, in order to ensure, in the interests of the community as a whole, the enforcement, even in the most ignorant or the most apathetic Borough, of whatever might be deemed the National Minimum of sanitation and security. The enthusiastic Democrats of the time relied on Annual Elections and Household Suffrage tc secure, not only the indispensable Consciousness of Consent, in which they were right enough, but also—and it is here that their work proved most demonstrably imperfect—to provide of itself, without any of the appropriate administrative machinery, for audit and inspection, for a development co-ordinate with that of the rest of the Kingdom, for knowledge to cope with local problems and for willingness to comply with national requirements.[1]

On the other hand, the measure proposed by Lord Melbourne gained, from the amendments of the House of Lords, certain features of constitutional importance. We need not presume to decide whether or not it was an advantage that the House of Lords prevented the new Councils from having to license public-houses. But the House of Lords was only acting on the contemporary advice of so good a Radical as John Stuart Mill[2] in insisting on the complete separation of Municipal government from the administration of justice, which had better be kept as free as possible from local influences, as well as from electioneering.[1] The refusal of the House of Lords to consent to the nomination of Justices of the Peace by the Town Council left the Crown free, as in the analogous cases of the Recorder and the Stipendiary Magistrate, to make its appointments to the Commission of the Peace, partisan though they may often be, at any rate irrespective of local influences.[2] The Upper House was less successful in persuading the House of Commons to agree to retain a proportionate number of the members of the old Corporations as Aldermen. But out of this proposal, in which both Lord Melbourne and Sir Robert Peel saw nothing but disadvantages, grew the compromise which preserved the title of Aldermen and—what was more important—introduced the device by which the elected Councillors were enabled to add to their number, by co-option, a proportion of non-elective members having the same position in the Council as those who had been elected, but serving for a double term.

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[1] The only provision in the Act for audit was that (sec. 37) requiring the Burgesses at large to elect two of their number to be Auditors, to whom, and to one Councillor appointed by the Mayor, the accounts were to be submitted for signature as correct (sec. 93); but to whom no powers were given. The only provision for national control was that (sec. 94) which made the consent of the Treasury necessary to any sale or lease of property. It is interesting that even this mild check on local autonomy was vehemently objected to and opposed at Worcester, largely, it is said, by persons who thought it would prevent the grant of beneficial leases (*Worcestershire in the Nineteenth Century*, by T. C. Turville, 1852, p. 73).

[2] Mill thought that "the destructive part of the Municipal Corporation Bill

More important than all these points was, however, the fact that the Municipal Corporations Act maintained, almost without consciously intending it, the position of a General Governing Authority for the locality; empowered to levy a rate unlimited in amount; and responsible, not for this or

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is of signal excellence. It tears down with no unsparing hand the old abomination." He warmly approved the elective Council, and the appointment of all officers by the Council. He thought the Council far too large, and considered thirty the utmost maximum for administrative efficiency. He would have been glad if all Boroughs, instead of some only, had been divided into Wards. He objected to the plan of retirement by thirds. He disapproved of the Mayor serving only for a year, and thought his judicial functions "so monstrous" that he could not believe they would last. But he thought the greatest blot was the inadequacy of the local Judiciary. He objected to any connection whatever between the Judiciary and the Municipality. He regarded the functions of the Borough Justices as "a monstrous jumble of administrative and judicial functions." He wanted, not only a more frequently attending Recorder, but also local Stipendiary Magistrates sitting daily, as the small cases and the preliminary proceedings demanded as much technical skill as great issues (*London Review*, 1835, vol. i. No. 2, pp. 518-524).

[1] The *Globe*, though then a Radical paper, had argued ably against an elective Magistracy (*Globe*, 24th June, 23rd August, and 12th September 1833).

[2] For a few years Lord Melbourne's Ministry made a practice of inviting the Town Councils formally and publicly to nominate suitable persons to be Justices. This was given up in 1841 by Sir Robert Peel, and has not since been resumed; though such nominations are, of course, made informally and privately, by way of suggestion.

that function only, but for "the good rule and government of the Borough." This plan of local government, in which we may detect the pure milk of Benthamism, was quite contrary to the ordinary proposals for local reform, and to the usual action of Parliament. We have already seen how, in nearly all the Boroughs, function after function had been split off, and placed under its own separate authority. In our next volume we shall describe the administrative chaos into which the multiplicity of "Ad Hoc" bodies was leading English government. In 1835 this tendency was almost at its height. The previous year had seen, under the Poor Law Amendment Act, the establishment of new statutory authorities that, as we have seen, completed the strangling of the Parish.[1] For a whole generation more these separate local authorities grew and multiplied. In the retention from the old Corporations of the conception of a General Governing Body for the town, and in its revival in the Democratically elected Town Councils, Lord Melbourne was building better than he knew. The form of Local Government that he established—though leaving still unsolved the problem of how to combine unity of local popular control with the diversity of areas that a multiplication of functions seems to demand—was destined, within a couple of generations, to spread all over the country, and to absorb all its rivals.

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[1] *The Parish and the County*, 1906, pp. 171-172.

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(Prepared by Miss M. E. Bulkley, B.Sc. (Econ.), of the London School of Economics and Political Science)

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